

THE DVITIES

OF

Lambe, William

Constables, Borsholders, Tythingmen, and such other low and lay Ministers of the P E A C E.

Whereunto be adioyned the severall Offices of Church Ministers and Churchwardens, and Ouerseers for the Poore, Surveyors of the High-waies, and Distributors of the prouision against noysome fowle and vermine.

First Collected by WILLIAM LAMBE
Of Lincolnes Inne Gent.

And now enlarged in the yeare 1610.



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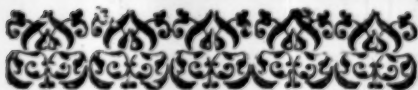
Cum Priviligio;

Walt

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L1707e

1619



¶ The duties of Constables, Borsholders, Tythingmen, and such
other Low Ministers of
the Peace.



Understanding by The p^resent
sundrie friends of fact,
mine, that manie
well disposed men
doe earnestly wish
that some one sh^ould
and plaine collecti^on
on might be made
of the duties of High Constables, petie
Constables, Borsholders, Tythingmen,
Headborowes, and such like inferiour
Ministers of the kings Maiesties peace,
to the end that when anie of them should
be called to anie of the said offices (or the
like) they might the better behane them-
selues in doing the same: I haue thought
it is a thing woorthy the labour, to send a-
broad amongst them this little Treatise,
which I haue drawne, to satisfie in some
part their honest desire: heartily praying
vnto God, that as their knowledge may
be increased in the reading hereof, so also
their diligence may bee amended in the

4 The duties of Constables,

practise of the same, to the setting forth of the glorie of God, & to the advancement of the kings Maiesties service in this behalfe.

The division of this worke.

2 And because I purpose (by the helpe of God) to make this worke so short, and so plaine with all, as the matter thereof it selfe will suffer me, and as the vnderstanding of vnlearned men doth require: I will first speake somewhat, both of the sundrie names and beginning of these Officers, & then afterward I will goe in hand with the parts of their seuerall duties.

The names of the Officers.

3 The sundry names of Constables, or High Constables, that be of Lathes, Rapes, wapentakes, Hundreds & franchises, and the diuers names also of Constables, Petie Constables, Tythingmen, Bozholders, Bozoheds, Headbozowes, chiefe pledges, & such other (if there be any) y^e beare office in towne, parishes, hamlets, tithings, or bozows (for of costables of castles, otherwise called Castellans, and such others I mean not to entreat) are all (in effect) but two, that is to say, Constables & Bozholders, for these two words doe containe as much as all the rest of those names, and to those two all the rest of them may be reduced: and therefore in speaking seuerally of those two, I will passe along and touch all the rest also.

4 The

4 The name Constable, is made (as Constables name, I haue read) of two English words put together, namely cuning (or cyng) and Seaple, which doe signifie, y stay (or hold) of the R. For by the auncient custome of this realm, there is a great Officer called the Constable of England, who by means of the high authoritie that hee had, was a principall stay vnto the Kings gouernement: and this man had iurisdiction & authoritie in deeds of Armes, and matters of war, both within and without the realm. Out of which office, this lower Constableness was at the first drawn & fetched, & is (as it were) a very finger of that hand. For the statute of *Winchester*, which was made in the time of R. Edw. the first, and by which these lower Constables of Hundreds and Franchises were first ordained, doth (amongst other things) appoint, that for the better keeping of the Peace, two Constables in euerie Hundred and Franchise, should make the view of Armes.

So then, the name of Constable in a Hundred or Franchise doth mean, that he is an Officer, that supporteth the Kings Paieitie, in the maintenace of this peace, within the precinct of his hundred or franchise: & he is many times called the High Constable in cōparison of the Constables, or petie Constables, that be in the towne,

11.R. 2.
cap. 12.

4.E. 1.

6 The duties of Constables,

o2 parishes within his Hundred o2 Franchise : whose part it likewise is, to maintaine the peace within the severall limits of their owne towne o2 parishes.

Borshol-
ders name.

5 As touching Borsholders (which is the other generall name, and doth contain within it þ meaning of Tythingmen, Borrowheads, Headborow, Thirdborowes, and chiefe pledges) that also is made vp of these two English wordes, Borhes, & Ealder, of the which, Borhes betokeneth pledges, and Ealder signifieth the Chiefe, the Head, o2 the Elder : and Borshfealder in one word, doth msane the chiefe (o2 head) of the sureties o2 pledges.

his two
offices.

6 But now, that you may the better understand what is meant by this, you must further know, that euerie of these Borsholders, Tythingmen, Borrowheads, Headborowes, Thirdborowes, and chiefe pledges, hath two severall offices at this day : the one being his auncient and first office, and the other his later made office.

his first
office.

7 His first office beganne thus : by the Archibona-
ancient lawes of this Realme (before the mia.
comming in of king William the Cōque-
ror) it was o2dained for the more sure kee-
ping of the peace, & for þ better repressing
of theeves and robbers, that all fræ bozne
men should cast themselves into severall
companies, by ten in each company : and
that

that euerie of those ten men of the compa-
nie, should bee suretie and pledge for the
forth-comming of his fellowes : so that if
any harme were done by any of these ten
against the peace, then the rest of the ten
should be amerced, if he of their company
that did the harme should die, and were
not forth-comming to aunswere to that
wherewith he should be charged.

And for this cause, these companies be
yet in some places of England (& namely
with vs in Kent) called Boroos, of the said
woꝝd Borhes, Pledges oꝝ sureties, albeit
in the Westerne parts of this realm they
bee commonly named Tythings, because
they containe (as I told you) the number
of ten men with their families. And euery
as ten times ten do make an hundred: so,
because it was then also appointed that
ten of these companies should at certaine
times meet together for their matters of
greater weight, therefore that general as-
semblie (oꝝ court) was (& yet is) called an
Hundred.

Furthermoze it was then also ordeined
that if any man were of so euill credite,
that he could not get himselfe to bee recei-
ued into one of these Tythings oꝝ Boroos,
he should be shut vp in prison, as a man
vnwoꝝthie to liue at libertie, amongst
men abroad.

8 The duties of Constables,

Tithing-
man.
¶: 1000:
rough, &c.

8 Now whereas euerie of these Tythings (or Boroes) did vse to make choise of one man amongst themselves, to speak, and to do in the name of the all: he was therefore in some places called **Tithingman**, in other places the **Boroes Elder** (whō wee now call **Bozholder**) in other places the **Bozowhead** or **Headbozow**, and in some other places the chiefe pledge, which last name doth plainly expound the other three that are next before it: for **Head** or **Elder** of the **Boroes**, & chiefe of the pledges, be al one, & in some shires, where euery **Thirdbozow** hath a constable, there the officers of the other two be called **Thirdbozowes**.

Orders
in **Tith-**
ings,

9 Moreover, in these Tithings (or Bo-
roes) sundry good orders were obserued,
& amongst others, first, that euery man of
the age of xij. yeres should be sworn to the
King: then that no man should bee suffe-
red to dwell in any Towne or place, vn-
lesse he were also receiued into some such
suretiship & pledge as is aforesaid. Third-
ly, if any of these pledges were impriso-
ned for his offence, then hee ought not to
be deliuered without the assent of the rest
of his pledges. Again, that no man might
remoue out of one Tithing (or Bozoe) to
dwell in another, without lawful warrant
in that behalfe. Lastly, that euery of these
pledges should yearely be presented and
brought

Itin. Kane.

Vide 45.

Ed. 3. 17.

Et Kitch.

fo. 12.

Borsholders, Tythingmen, &c.

brought forth by their Chiefe pledge at a generall assemblie for that purpose, which we yet in remembrance thereof do call, & View of Frankpledge, or the Leet court.

10 Hitherto I haue opened the ancient Office of the Borsholder, Tithingman, and the rest, wherof also there is yet to this day some shew or remnant in our Leetes, (or Law daies) but if the very substance thereof were throughly performed (as I knowe no let but that by law it may (then should the peace of the land be much better maintained then now it is.

As touching the latter office that these ^{this latter} Borsholders, Tithingmen, Hedborowes, office. Borsheds, Thirdborowes, & chief pledges haue, it is in maner all one with the office of a constable of a towne, or parish, which is commonly named a petie Constable, or Under Constable, because hee is a small constable in respect of the constable of his hundred, within whose limit he is.

For as about the beginning of the reign of R. Ed. 3. petie Constables were deuised in townes and parishes for the aid of the Constables of the Hundred: so of latter times also, Borsholders, Tithingmen, Hedborowes, & such like haue bene used as Petie Constables, within their owne Borowes & Tithings. And yet not so vniuersally, but that some of them haue at
that

10 The duties of Constables,

this day none other but their old office. For in some of the Westerne parts of England, you shall see, that where there be many Tychingmen in one parish, there onely one of them is a Constable for the King, and the rest do serue but as the ancient Tithingmen did. Now therefore, hauing spoken of the names and beginnings of these inferiour officers of the P. let vs also come to the parts of their common and seuerall duties.

Division
of their of-
fice.

11 For as much as a great and chiefe part of the dutie both of these High Constables of Lathes, Rapes, wapentakes, Hundreds, and franchises, and also of these Constables, Petie Constables, Tychingmen, Borsholders, Borowheades, Headboroughes, Thirdborowes, Chiefe Pledges, & such like Ministers, by what soeuer other names they be called in any Towns, Parishes, Tythings, Bozows, Hamlets, or other places of the Realme, doth consist in the maintenance of the Kings Maiesties Peace, wherein (as also in some other points) the power of them, all is alike, and but one, within their seuerall limits and places of authoritie, therefore I thinke it good to shew first, what their common and equall dutie is in matters concerning the peace, either by their owne authoritie, or vnder the authoritie
of

of others: then afterward to declare, what their common and like dretie is in ſome other things not concerning the Peace: laſtly, to open thoſe things wherein they haue a diſtinct and ſeueral duty one from another of them.

12 The conſeruatiō, or maintenance of the peace ſtandeth in three things, that is to ſay: firſt, in foreſeeing that nothing be done that tendeth either directly, or by meanes, to the breach of the peace: ſecondly, in quieting or pacifying thoſe that are occupied in the breach of the Peace, and thirdly, in puniſhing ſuch as haue already broken the Peace.

Their office concerning the peace.

And here, leaſt any man ſhould bee deceived, in not vnderſtanding what is meant by theſe words, The breach of the peace, he muſt firſt of all know, that by the breach of the peace is vnderſtood, not only that fighting, which we commonly call the breach of the peace, but alſo that every murder, rape, manſlaughter and felony, whatſoever, and every affraying (or putting in feare) of the Kings people, whether it be by vnlawful wearing of armour, or by aſſembling of people to doe any vnlawfull acte, are taken to be diſturbances or breaches of the peace.

What is the breach of the p.

13. H. 7. 10.
Cur.

13 But now for the better preventing that nothing bee done againſt the Peace, any

To prevent things againſt the peace.

any of these Officers aforesaid may take (or arrest) suspected persons, which walke in the night, and sleepe in the day; or which do haunt any house, where is suspicion of bawdrie, & they may carrie them befoze a Justice of the Peace, to finde sureties of their good behauiour. And if any such officer be not of sufficient strength to do that alone, then may hee take more aide of his neighbours thereto: and they, in such cases, be compellable to helpe and assist him.

Any of these Officers may also arrest Fit. in Inst. del P. 171. such strange persons as doe walke abroad in the night season: and for that cause the said statute of Winchester did ordain, that 13. Ed. 1. night watches should be kept yearely, fro the feast of the Ascension vntill Michaelmas, by fire men at euerie gate of euery Citie, by twelue men in euerie Borough Towne, & in euery other Towne by fire men, or foure men, or according to the number of inhabitants in the Towne, all the night long, from Sun-setting to sun-rising: so that if any stranger did passe, he should be arrested till the morning, and then set at large (if no suspicion were found of him) but if any suspicion fel out against him, then he should be imprisoned, till he might be lawfully deliuered. And of these watches, the officers befoze named haue the charge within the limits (or places) of

of their authorities, as the Constable in his Towne, the Borsholder in his borow, and the High Constable within all his Hundred: and these Officers ought to see these watches duely set and kept, & ought also to cause Hue & Cry to be raised after such as will not obey the arrest of such watchmen.

Stat. North.

1. E. 3. ca. 3.

Againe, if anie person whatsoever (except the kings seruants and Ministers in his presence, or in executing his precepts or other offices, or such as shall assist the: and except it be upon Hue and Cry made to keepe the peace, & that in places whers acts against the peace do happen) shall be so bold, as to goe, or ride armed, by night, or by day, in Fayres, Markets, or anie other places: then anie Constable, or anie other of the said Officers, may take such armour from him, for the Kings vse, and may also commit him to the Gaole. And therefore it shalbe good in this behalfe, for these Officers to stay & arrest all such persons as they shall finde to carrie Dags or Pistols, or to bee apparelled with prinie coats, or doublets, as by the proclamation (made in the xxi. yeare of the raigne of the late Queen Eliz.) they are specially commaunded.

21. Eli. Reg.

17. R. 2. ca. 8

Furthermoze, if anie great assembly or rumor of people be made in maner of insurrection,

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surrection, then the Sheriffes, Constables, and these said other Ministers, having knowledge thereof, ought to goe with the strength of the Countie, and to set themselves against it, and ought also to take & imprison such offenders.

Lastly, if anie man doe threaten to kill another, and he which is so threatned doe pray any of these Officers to arrest the other to finde suerties of the Peace, then may such an officer arrest him to find such suertie before a Iustice of the Peace, and may also carrie him to prison, if he refuse to find it: But if he yeeld to goe, it shall be good to take the party threatned, to the Iustice with him.

To pacifie
and punish
the breach
of the peace

14 Thus much I have spoken of those things which doe bend towards y^e breach of the peace: but now I will come naxer to the breach it selfe, and withal to the pacifying and punishing of the same.

If therefore a Constable or any other of the said officers, shall see anie man going about to breake the peace, as by vsing hot wordes, by which an Affray is like to grow: then ought such officers, to commaund those persons to auoid, vpon pain of imprisonment: and if they will not depart, but shall draw weapon, or giue anie blow, then ought hee to doe his best to depart them, & to keepe them asunder, and he

Barre 102.
en Fitzh.
22. Ed. 4.
31. Brian.

187.
at 7.

Ed.

Fin
38.
22.
16.

he may (foz y purpose) both vse his owne
weapen, and may also call others to assist
him. In which doing, if anie such officer
oꝝ other person comming on his part, doe
take hurt, he shall haue good remedie by
action against him that did the hurt: but
if anie of them that made the Affray, bee
hurt by such officer, oꝝ by anie of his com-
panie, then such a hurt person hath no re-
medie at all foꝝ it.

3 H. 7. 10.
11. H. 7. 20.

And if he that maketh an Affray, do flie
into a house when such an officer cometh
to arrest him: then may that officer breake
open the dozes to take him: and if he that
made the Affray, do flie from thence also,
yet may the Officer follow him, and in
fresh suit take him, though it be in ano-
ther shire oꝝ countie.

9. Ed. 4. 9.

So, if two men be fighting together in
a house (y dozes being shut) yet may such
an officer breake open the dozes, to cause
the peace to be kept, though none of the
parties haue take hurt. And in both these
cases such an officer may carrie them be-
foze a Justice of the Peace to find Suertie
foꝝ y peace, because they haue broken the
peace already, and are met to be bound
that they shall not breake it againe.

Finch. 72.
31. Ed. 3. 6.
21. 2. 11. aff.
16.

But if any of the parties to an Affray,
haue receiued any dangerous hurt, then
ought such Officer to arrest him that did
the

the hurt, & to carry him to y^e Gaole, there to remaine till he find suertie to appeare at the next Gaole Deliuerie : otherwise he may with lesse labour carrie him to a Iustice of the Peace, or to a Coroner, who ought to take order for such suertie, because the fact may fall out to be Felonie, if so be that he which was hurt doe happen to die within one yere and a day next following such hurt done vnto him.

And as these Officers ought to arrest s.H.7.6 those that doe make assault vpon any private person, so also may they arrest anie such as shal make assault (or Affray) vpon themselves whilest they be in doing their offices : & may for y^e purpose both lawfully defend themselves, & also take y^e offenders, & commit them to the Gaole, or carrie them to a Iustice of the P. for the finding of such suertie as is aforesaid.

But if one doe assault a man, in or nigh Barre 101. the highway, to robbe him, and be taken in Firch. by the true man, or by anie other, and be brought to the Constable, or such other Officer of the place : then ought such Officer, not onely to take him to his Ward, but also to carrie him besoze a Iustice of peace, to cause him to giue suertie for his Good abearing.

So if anie man doe suspect another of s.E.3.124. Marder, or Felonie, and doe declare the 17.E.4.5. same

same to any such Officer of the place, then such Officer may arrest the suspected person, and hee shall doe well to carry him to a Justice of the Peate together with him that doth suspect him, to the end that they both may bee examined as appertaineth. **¶** Yea, any of these said officers may search within the limit of his authoritie, for any persons suspected of Felonie: for it is a chiefe part of their office to repress Felons.

And therefore any of these Officers may (of his owne authoritie) arrest one that is endited of Felonie: So, if the common voice and fame be, that A. B. hath done a felonie, that is sufficient cause for any of these Officers (that shall thereof suspect him) to arrest him for it.

And if any man shall die vpon felonie, it is the Office of the Constable of the Towne, or of any of these other Officers there, to seise his goods, and to keepe them safely: for hee is to answer for the losse or impairing of them, and therefore it is met that he doe it by Inuentorie taken in the presence & by the testimonie of the honest neighbours.

And I like well of their opinion, which do hold, that if information be giuen to any such officer, that a man and a woman be in Adulterie, or Fornication together,

1 E. 4. 9.

1 H. 7. 4. 5.

1 Ed. 3. Itin.
Northumb.

1 H. 7. 7.

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then the officer may take companie with him, & that if he find them so, he may carry them to prison.

But this is to bee marked, that in the cases befoze, and such like where such an Officer hath arrested, or hath in his ward any offendour that ought to bee carried to the Goale, there such an Officer is not bound forthwith to carrie him, but may well for a reasonable time keepe him in the Stocks, vntill that conuenient provision of strength may bee made to conuey him safely thither. And when hee shall bring such offendour to the Goale, then ought the Goaler to receiue the same freely, without taking any thing of the Officer for it.

Seruing
of precepts

15 Hitherto (as you see) I haue spoken of the Constable and of these other Officers, so far onely as they haue authority by their owne offices without any commaundement from others. But for as much as a great part of their duetie (concerning the peace) resteth in the making of due execution of the precepts of higher Officers, & especially of the Iustices of the peace, who bee (as it were) immediately set ouer them, let vs also see after what manner these constables and other the said inferiour Ministers of the Peace, ought to behaue themselves, in that behalfe.

Albeit

Albeit then, that the said Officers bee
 subject to the commaundements of the
 Justices of Goale deliuerie, and of Oyer
 and Terminer, and of some higher Justi-
 ces, yea, and to the Precepts of Coro-
 ners also, and of other Officers, in some
 certaine cases, yet because most common-
 ly they are called vpon by the Justices of
 Peace, they ought specially to shew the-
 selues obedient to their Precepts, who
 (as it may appeare by some olde Presi-
 dents) haue authoritie to remoue insuffi-
 cient Constables and Borsholders, and
 to substitute able persons in their place.
 Neither ought these Officers to dispute
 whether their commandements be groun-
 ded vpon sufficient authoritie, or no: as
 knowing that although a Justice of the
 Peace (which is a Judge of Record)
 should direct a warrant beyond his au-
 thoritie to a Constable, or one other of the
 said Officers, yet shall such Officer bee
 holden excused for executing the same,
 howsoeuer that Justice of peace himselke
 be blamed for it.

If therefore a Warrant for the Peace,
 or good abearing, happen to bee directed
 to any of these said Officers, then ought
 he with all speed and secrecy to finde out
 the partie: and then also hee may lay his
 hands vpon him, and shew him the mat-

14.H.8.c.18
 11.H.7.22.

Precepts.

ter, and requirer him in the kings name to
 gee with him to put in suretie according
 to the Warrant. And this if the partie
 shall refuse to do, then ought the Officer ^{21.H.7.39.}
 forthwith to arrest him, and to conuey
 him to Prison, without carrying him
 to any Justice: in which doing, if the par-
 tie shall offer any resistance, or shall
 seeke to escape, then also may such Offi-
 cer iustifie the beating or hurting of
 him.

But if the partie shall yeeld to goe and ^{21.H.7.20.}
 giue suretie, and yet will not go to such
 Justice as made out the Warrant, but to
 some other Justice, then ought such Offi-
 cer to giue him that libertie, so that it bee
 not far out of the Limit: for else so great
 trouble might follow vpon the Officer,
 as rather he then the offender, might seem
 to be punished by it.

And heere the Officer must take regard,
 and consider whether the Warrant doe
 come directly from the mere authority of
 the Justices of Peace, or else be grounded
 vpon a Writ of Supplication sent downe
 from higher authoritie (which difference
 ought to appeare plainly in all warrants
 that be well and orderly made.) And if the
 Warrant be grounded vpon such a Writ,
 then may such Officer compell the partie
 to go to the verie same Justice or Justices
 of

of peace that made out the Warrant, and otherwise he may carrie him to prison, as is said befoze.

Neither is it requisite, that such an Officer should daunce after the partie (as manie vse to doe) vntill hee can finde out suerties, but he may lawfully keepe him, vntil that he can get suerties to come vnto him: the ignorance of which point is the cause, both that many an euill man escapeth, and manie an honest Officer is punished fo: it.

But here it hapneth manie times, that the partie (hearing that such a Warrant is granted against him) offereth himselfe with suerties, fo: that cause, vnto some o:ther Iustice of peace, o: findeth such suertie in some of the Courts at Westminster, & so hath a Superedeas ready to shew such Officer, as commeth to him with a Warrant as is aforesaid. Now, if that be so, then is the Officer discharged thereby, and ought not anie further to molest the partie. But yet it shall be good, that such Officer doe keepe the Superedeas fo: his better discharge, & shew it to the Iustice from whom he receiued the commaundement of seruice, lest otherwise he be called to account fo: not seruing the Warrant that was sent vnto him.

If a Warrant be directed to a Constable,

ble, or such other officer to arrest one y^e is
 indicted of Felonie, then may such Officer
 iustifie the killing of such a partie, if it be
 so that he cannot otherwise take him, or
 if so be that he resist, or flie, when hee is
 taken.

22. Lib. Aff.

55.

Coron 161.

188, 322. in

Fitzh.

Finally, the Constable, or such other
 of the said officers, hauing arrested any to
 be conueyed to the Gaole, must take good
 heed, that he doe not willingly or negli-
 gently, suffer such partie to escape from
 him. For if the arrest were for Felonie,
 then by a willing escape, the Officer him-
 selfe becommeth a Felon also. And of
 whatsoeuer other kind the offence bee, if
 the Officer do, by his will, or negligence,
 suffer the partie to escape from him, hee
 shall bee fined for it, according to the
 quantitie of his fault, by the discretion of
 those that shall be Judges of it. And least
 anie such Officer should flatter himselfe,
 in thinking that hee may passe through
 with some easie fine: I let him know,

11. H. 4. 24.

Stam. 35.

16 Thus haue I performed the first
 part of my promise, and haue shewed
 what is the equall and like duetie of eue-
 rie of the said Officers in matters con-
 cerning

The equall
 duetie of
 these Offi-
 cers, in

33. H.
 & 37.
 cap. 7.

14. H.
 4. 5.
 32. l.
 1. M.
 cap.

cerning the Peace, both by their owne authoritie, and also in doing the commandments of the Iustices of Peace: Now therefore I must goe forward to the second part of my purpose, and am to declare their like dutie in other points of service, that do not concern the peace; for, equall power is indifferently giuen to any of those Officers by some Statutes of the Realme, whereof those that follow be the chiefe, and principall.

33.H.8.c.10
& 37.H.8.
cap.7.

17 All Constables, and other the said Officers, ought to be attendant, aiding, and assisting to the Iustices of Peace, for the execution of all and euerie the Actes (made in, or befoze the parliament, holden in the thre and thirtieth yere of the raign of king Henry the eight) concerning Re- teinozs, giuing of Liueries, Paintenance, Embracerie, Bowstaues, Archerie, vn- lawfull games, fforestallers, Regratozs, Tiquall, Tictuallers, & Inholders, or any of them, vpon paine that the said Constables, & other the said Officers shall make such fines as by two of the said Iustices of Peace shall be assessed.

Attendant
for the exe-
cution of
Statutes.

14.H.8. cap.
45.
32.H.8.c.1.
1.Ma.par.1.
cap.9.

18 All Constables, and other the said Officers within London, or within seven miles thereof, ought (vpon request made) to aid and assist the President of the Col- ledge of the Whistons of London, and o-

Whistons

ther persons authorisid for the due execution of the Statutes made concerning Physicians, Apothecaries, and Surgeons.

**Purney-
ors.**

19 If anie person shall (without law, ^{23 H.3.c.14} full bargain) Purney or take any thing of any of the kings liege people, to the vse of any (other then the king and his house) and thereof notice be giuen to the Constable, or such other Officer of the place, then such Officer ought (vnder the paine of xx. pounds) to arrest such taker, and to carry him to the next prison.

No Purneyour of the king ought to take any Horse or Cart, but by the deliuerie of the Maioz, Bailife, Constable, or such other officer of the place, whence that taking shall be. ^{28.H.6.stat. 2.c.2.}

Cozne ought to be taken for the kings house, by striked measure of eight Bushels to the quarter, according as is vsed throughout the land: and the takers of all things to bee taken for the kings house, shall make their purneyance by the verie value thereof, by the view of the Constable or other such Officers, and by appraisement vnder oth of foure other good men of the towne, where the taking shall be: & such taking shal be made without driving the praisours by compulsion, menacing, or other villanie, to set anie other

ther price then their oath wil, and as commonly runneth in the next Markets.

Takers, Under-takers, their Deputies, or seruants, shal not take any Bees, Weathers, Lambs, Calues, or any kind of Saltfish, or any kind of graine, or anie Butter in any vessels, or Cheese, Bacon, Conies, Pigs, Geese, Capons, or Hens, but by Commission and a Blanke therto for that shire annexed: in which Blanke the said seuerall things so to be taken, and the prices of them shall be written, and to which Blanke the high Constable, petie Constable, or Headborough of the place where anie such taking shall be, ought to subscribe his name or signe manuell. And such Taker ought then also to make a Brieve or Docket in writing subscribed with his name, containing euerie of the said things so taken in euerie place: and ought then also (vnder the pain of an hundred markes) to deliuer the same to the said High Constable, petie Constable, or Headborough, who also ought to deliuer it ouer to the Iustices of Peace, at their next generall Sessions within that countie.

23. P. &
M. cap. 9.

10. Ed. 3. c. 1.

20 In the takings for the kings house, Tailles (or Indentures) ought to bee made and sealed, betwæne the taker and the owner (in the presence of the Constable,

26 The duties of Constables,

ble, or such other Officer, and the praisers of the place) by which Tailes (or Indentures) satisfaction ought to be made to the owner for his things so taken.

31 If any taker will make puruey, ^{20.H.6.c.8.}
 ance of any thing (not exceeding the value of forty shillings) and make not readie payment in hand therefore, it is lawfull for the owner to retain the thing so taken, and to resist such purueyance: and the Constable, Tythingman, or chiefe pledge of the place (being thereto required by the owner) ought to aide and assist such owner in making such resistance, under paine to yelde unto him the value of the thing taken, and his double damages.

Souldiers 22 All Constables, and other the Officers ^{18.H.6.c.1.}
 abovesaid, of the Parish or place where any of y^e kings Souldiers beyond the Seas being mustered of Record shall happen to arrive, may arrest and stay such souldiers, till it be inquired, whether they bee lawfully departed from their Captaines, or no.

Coroners. 23 All Constables and other the said ^{21.H.8.c.3.}
 Officers, must be attendant vpon Coroners, ^{22.H.8.c.14.}
 for the abiuring and conveying of ^{22.H.8.c.3.}
 such persons, as shal take the Churchyard as a Sanctuary, for safegard of their liues, by occasion of any felony by them done.

24 By warrant of such Justice of P.^{as} ^{Charges} committed an Offendor to the common ^{of convey-} Gaole, the Constable of he Hundred, or ^{ing Offens-} the Constable or Tythingman of the Ty ^{doers to the} thing or Towneship, where such offender dwels, from whence he was committed, or where he hath anie goods, may sell such goods of the said Offender as by the discretion of the Justice, will pay the charges of his conveying to the said Gaole, the Appraisement to be made by foure of the honest inhabitants of the Parish or Tything where such goods shall be, and the overplus of the money made therof to be deliuered to the partie to whom the goods shall belong: And if such Offender haue no goods, an indifferent tax therfoze shalbe made by the Constables & Churchwardens, & two or thre other the honest inhabitants of the Parish, Township or Tything, where such offender shall be taken, & in default of them by foure of the principall inhabitants of the said Parish, Township or Tything: which taxation being allowed vnder the hand of a Just. of Peace, if anie so taxed refuse to pay the same taxatiō, by Warrant of such J. of P. the Constable, Tythingman, or other officer there, may distreine and sell (by such appraisement as aforesaid) the goods of such refuser, and the overplus of money

come

28 The duties of Constables,

come by the sales thereof to be deliuered to the owner.

Rogues & Beggars. 29 The Iustices of Peace of euery Countie twice in a yeare, & oftner if occasion be, are to assemble and meet together for the better execution of the Statute made 7. Iac. Reg. cap. 4. against Rogues and Vagabonds : and foure or fve dayes before such assembly the same Iustices, or the more part of them may commaund the Constables and Tythingmen of euery Hundred, Towne, Parish, Village, and Hamlet, with the assistance of sufficient men, to make a general priuy search within their seuerall limits, for Rogues, Vagabonds, wandring & idle persons : and such as they haue found and apprehended in the said search, they are to bring before the said Iustices at their said Assembly, there to be examined of their idle life, punished, or otherwise by warrant of such Iustices sent to the house of Correction, within the said Countie, there to be deliuered to the Master of such house or his deputie to beset to labour and worke. At which dayes of Assemblie the said Constables, and Tythingmen, must appeare in their seuerall deuisions before the said Iustices, and giue account (in writing, & vnder the hand of the Minister of the Parish) what Rogues, Vagabonds & wandring

ding persons they have apprehended both in þe same search & betwene euery such assemblie, and how many haue bin by them punished, or sent to the houses of correction: Which if the said Constables or Tythingmen neglect to persourne, or to conuey safely all such rogues & idle persons, at the charge of the hundred, as by the Au. of D. warrants are sent vnto the houses of correction, they do thereby forfeit such fines as the said Iustices shall thinke fit, not exceeding 40.s. for euery offence.

All these things heretofore rehearsed, whether they concerne the preservation of the peace, or any other matter besides the peace, may and ought to be done and executed indifferently (as I thinke) by any of the said Officers within the precinct of his authoritie: that is to say, as wel by the high Costable of the whole Hundred or Franchise, within his hundred or franchise, as by the Constable, Petie Constable, Tythingman, Borsholder, Borohed, Headborow, Thirdborow, or chief Pledge, within his Towne, Parish, Tything, Borow, or Hamlet: and that so, as none of them hath more power of office therein then the other, although some of them haue larger limit of place then the rest.

But now I am come to such things, as do ^{High Con-}stably belong to some of the Officers, ^{stable of a} ^{Hundred.} so

30 The duties of Constables,

so as the other may not meddle therewith, which is the third part of my promise) and therefore I will take that in hand also: and because the Constable of the Hundred or Franchise is the greatest of these Officers, both in respect of his larger precinct of place, and also of the higher trust that is committed vnto him, I will begin at him: who, as he is not by and by set alone, but is for some matress no further authorized then some other of the said officers, so I will begin at those, and then come to the rest that belong only to himselfe.

Prisoners 26 The money appointed to be leuied by the Churchwardens of euery parish each Sunday, for the reliefe of prisoners in the goal ought (vnder y^e pain of v.li. to be paid by them once euery quarter of a yeare, to the High Constables, or head officers of euery hundred, riding, wapentake, towne, or parish: and the said high Constables, or head officers ought (vnder y^e pain of v.li.) to pay ouer the same money so to the paid, at y^e next quarter sessions of the P. to the person appointed by the Iustices of P. to receiue the same. 14. Elc. 5.

It seemeth to mee, that in this case next aboue, the words, high Constables, high Tythingmen, & head Officers, do exclude petie Constables, Borsholders, & such like to meddle therein: because none are called High

High or Head, but in comparison of Low High Con-
& Bate. Now therefore I will speake of mat-
ters concerning the high Constable of the
hundred alone.

1. El. ca. 4. 27 High Constables of Hundreds in Petty sessi-
all such shires, where petty sessions for ser-
uants & labourers, (otherwise called sta-
tute sessions) were vsed to bee kept befoze
the first day of the parliamēt holden in the
5. yeare of the raigne of our late gracious
Q. El. may yet stil hold their said sessions,
so that nothing bee done in them, repug-
nant to the statute of labourers, & seruāts
made in the same parliament.

11. Ed. 1. sta. Winton. 28 The constables of hundreds, & of strā-
chises, ought to make presentment to the Justices of P. & to all other Just. thereto
assigned, of the defaults of watches, & of
the defaults of the Kings High-waies,
not enlarged so, as no ditches, under
wood, or bushes be within 200 foot on eue-
ry side of the same: and also of such as
lodge strangers in vplandish Townes,
for whom they will not answere.

4. Ed. 4. ca. 1 29 Clothmakers ought to pay y^e wa-
ges of their Carders, and other worke-
folkes, in lawfull money, and not in pins,
girdles, or such other things: and to deli-
uer their wools, by faithfull deliuerie and
due weight, vnto them so bee wrought:
vpon pain of forfeiting the treble of their
wages

wages not so paid, and six pence for euery deliuerie of such excessive weight. And the said workfolkes ought to doe their occupations duely, vpon paine of double damages to the partie grieved. And euery Constable of the Hundred may heare and determine the complaints aforesaid, by examination of the parties, & may commit to the Gaole such as refuse to pay the said workfolkes.

High
waies.

30 Estraits indented ought to be made by the Clerks of the peace, and by Stewards of Lictes, of all sozseitures rising in the Sessions of the peace, or in Leets, vpon the statutes of Highwaies, of which Estraits one part ought to bee deliuered yearely within six weekes after Michaelmas, to the bailif or high Constable of the Hundred, Lath, or wapentake, wherein the default was committed, and the other part to the Constable & Churchwardens of y parish in which y default was made, to the intent, that such Bailife or chiefe Constable may thereby leuie by distresse the same sozseitures, or the double thereof, (if no distresse can be found, or if such sozseitures be not paid within xx. daies after a lawfull demand of the same by the said Officer :) and to the intent also that the said Constable and Churchwardens of the parish may thereby call the said Bailif
or

2. & 3. P. &
M. ca. 8. & 9.
El. ca. 13.

or High Constable to account befoze two Justices of the peace (the one being of the quorum) between the first day of March, & the last of Aprill yereley for the said forfeitures which ought by the said Churchwardens to bee bestowed on the Highwaies in their Parish. And vpon such account, euery such Bailife, or High Constable shal haue for his pains 8.d. of euery pound lenied & paid by him, & may also retaine xj.d. for y^e fee of the Clerk of the Peace or steward of the L^{et}, for euery such Cstreat by any of them delinered, as is aforesaid.

Marshall
by a Kings
bench.

31 The High Constable (in whose li- 43. El. ca. 3.
mit the parish is situate) must pay at euery quarter sessions to one of the Treasurers of the shire, such mony as the churchwardens there haue paid to him, for the prisoners in the Marshallsey and Kings bench, vpon paine of xx.s. to be lost for euery default, 43. El. c. 3. 1. lac. ca. 25.

Souldiers

32 And the like must be done (vnder the pain of xl.s.) with that money which the Churchwardens bring to him for disabled souldiers.

Popish re-
sidents.

33 The chief constable of the hundred 3. lac. cap. 4.
(where there be no churchwardens or constables of any Towne, Parish, or Chappell in such Hundred) ought once a yere to present at the Quarter Sessions, the
C monthly

34 The duties of Constables;

monethly absence from Church of Popish Recusants within such Towns and Parishes, & the names of their children of 11. yeares old & upwards abiding with their said parents, & the age of such children as nere as they can, as also the names of the servants of such Recusants; vnder paine of losse of 11.s. for euery such default. And if vpon such presentment the partie happen to be indicted and conuicted (not being for the same absence before presented) the said Constable is to haue a reward of 40. s. out of such Recusants goods.

**Constable
of a towne**

Next after the Constable of the hundred, Wapentake, or Franchise, followeth the Constable of a town, who is somewhere called a high Constable, for that he hath there a pety Constable vnder him, & is sometimes also termed a head officer, because in some corporate Townes Constable is part of the name of their incorporation. And now also because there be sundrie things that are by the lawes indifferently referred to him, or to the Tythingman, Borsholder, or such other inferior officer of the place: therefore I will first set downe those, and then afterward speak of the rest that are committed to him onely, and to none of them.

Alehouse.

34 If a comon Inholder, or Alehouse keeper, wil not lodge such as trauell, the Ruler, Constable, or other Officer of the towne

s. Ed. 4. 3.
Acc. for
case B. 76.

tolone may compell him thereto.

El. 4. 35 No person retained in husbandry, *Servants.*
 or in any the arts appointed by the Sta-
 tute of Labozers (made in the fift yeare
 of our late Soueraigne Lady Quēn Eli-
 zabeth) may depart, after the time of such
 retainour expired, out of the Towne or
 Parish, where hee last served, to serve in
 another, vnlesse hee haue a Testimoniall
 vnder the seale of the Constable or other
 such Officer, & of two other honest house-
 holders of the Towne or Parish where
 hee last served, according to this forme.
Memorandum, that A. B. late seruant of
 C. D. of E. in the Countie of K. hus-
 band-
 man, or Taylor, &c. is licenced to depart
 from his said Master, and is at his libertie
 to serve elsewhere, according to the Sta-
 tute in that case made and provided. In
 witnesse whereof &c. Dated the day, mo-
 neth, yeare, and place of the making there-
 of. Which Testimoniall, the Parson,
 Vicar, or Curat of the parish where such
 Master, Mistresse, or Dame both dwell,
 ought to register, taking onely y. d. there-
 foze. And if such person be accepted into
 any other service, without shewing such
 Testimoniall to the Constable, or such o-
 ther Officer, Curate, or Churchwarden
 of the place where he shall be accepted, he
 shall be imprisoned till hee procure such

a Testimonial, which if he do not within twelve dayes next after the first day of his imprisonment, hee shalbe whipped as a vagabond.

Laboyers. 36 In the time of Hay, or Coznehar-^{5. El. cap. 4.} nest, the Constable, or such other Officer of any towne ship vpon request made, and so; auoiding the losse of any cozne, grain, or hay, may cause all such artificers, and persons (as be meete to labour) by his discretion to serue by the day, for the mowing, reaping, shearing, getting, or innning of Cozne, graine, or hay, according to the skill and qualitie of the person, and if any such person shall refuse so to doe, then ought such officer (vnder the paine of forty shillings) to imprison such refuser in the stocks, by the space of two dayes and one night.

**High-
wayes.**

37 The Constable, Bozholder, or other such officer, and the Churchwardens of enery Parish, ought yearely vpon the Tuesday or Wednesday in Easter week, to call together a number of the Parishioners, and to choose two honest men of their parish, to be surueyours of the works for amendment of the highwaies within their parish leading to any market town: and ought then also to appoint sixe dayes for the amendment of those high-wayes before Midsummer then next following:
and

and ought openly in the Church the next Sunday after Easter, to giue knowledge of the same five dayes.

1 & 7. P. & 11. c. 3. & 5. They also ought to haue one part of the Estreates indented, and may call the Bailiffe or High Constable, to Account, concerning the forfeitures, for default of amending highwaies, as hath already appeared before. And they also, or any of them may leuy by Distresse, and by sale of such Distresse, all summes of money forfeited for any cause within the Statute of Highwaies made in the eighten yere of the late Queen Elizabeth, (if so be that the Surueyors of Highwayes, shall not before haue leuied and imployed the same within one yere next after the offence committed) and shall yeld account thereof before two Iustices of the Peace, as is also shewed.

18. El. ca. 10 38 The forfeits against the Statute Highwaies for the amendment of the annoyed Highwaies in the Wealds of Kent, Surrey, & Sussex, ought after conviction thereof to be leuied by distresse by y Constables, headboroughs, Tythingmen, or others such Officers there, vpon warrant from the clerk of the peace in open Sessions, or from two of the Iust. that were at such Session, the one of them being of the Quorum.

17. El. ca. 13 39 After such time as the two Iustices shal cry.

38 The duties of Constables,

of peace haue ratably assessed euery towne and Parish towards the payment of the damages that any person hath reconered against him, of the Hundred wherein hee was robbed, vpon the statute of Hue and Crie: then may the Constable, or Headborough, of euery such Towne & Parish, ratably within his limit, take (according to their abilities) euery dweller in euery such towne or parish, toward the payment of such assessment made by the Iustices, & may also distraine euery person by his goods & cattels, that shal refuse to pay the same, and may sel the distresse, and retaine so much thereof as the taxation shal be, & deliuer the ouerplus to the person so distrained. And shall (within x. daies next after he hath leuied the said rates) deliuer the same to the said Iustices, or one of them, to the vse of the partie robbed.

Popish
Recusant.

40 The Minister (or Curat) of the parish, and the Constable, Headborough, or Tythingman of the Town, to which any Popish Recusant shall be sent by order of this Statute, shall take notice thereof by him, & shall enter the same into a Booke, to bee kept in euery parish for y^e purpose, and shall certifie the same to y^e next quarter Sessions of the peace in that County.

Hedge-
breakers;

41 The Constable or other inferiour officer, must whip such hedgebreakers, rob,

robbers of Orchards and Gardens, cutters of coine and wood &c. as bee for that purpose committed vnto them by the Iustice of peace, vpon pain to be committed to the common Gaole without baile or maineprie till it be done.

1. Jac. ca. 13.

42 Every Constable & other Officer y doth wilfully make default in leuying such money as they are commanded by the warrants of Maiors, Baylives, head-officers, or Iustices of W. (hauing tared the same for Reliefe of the pooze infected with the Plague) doth forfeit, for euery such offence, tenne shillings to the vse of such persons infected. And euerie Constable, Headborough, or other officer (if the infection bee out of any Citie, Borough, Towne Corporate, Priuiledged place, or market towne) may command, or appoint persons infected, or being or dwelling in any house infected, to keepe their house for auoiding of further Infection: and if notwithstanding such persōs do wilfully & contemptuously disobey such direction & appointmēt, offering & attempting to breake or go abroad, & to resist, or going abroad & resisting such keepers or watchmē as are appointed to see them kept in; it is lawfull for such watchmen with violence to enforce thē to keepe their houses: And if any hurt come by such enforcement to such

Plague.

disobedient persons, & said keepers, watchmen and other their Assistants shall not be impeached thereto. And every infected person, so commaunded (by the said Constable, Headborough, or other Officer) to keepe house, which contrary to such commaundment wilfully and contemptuously goeth abroad & couerseth in company, hauing any infectious soze vpon him vncured, becommeth a felon: But if such person haue not any such soze found about him, then for his said offence he is to be punished as a vagabond ought to be by the statute 39. El. c. 4. And further to be bound to his good behauiour for a yere.

**Drunken-
nesse.**

43 And because, by the Stat. 4. Ia. c. 5. 4. Ia. cap. 5. (made against drunkenness) All Constables, Church-wardens, Headboroughes, Tythingmen, Alecunners, and Sidemen, shall in their othes incident to their Offices, be charged to present the Offences contrarie to the same statute, thereto it shall not be amisse to set before them the effect of the said Statute, as followeth. Every person that shalbe drunk and thereof lawfully conuicted, shal for the same offence forfeit 5. s. to be paid within a week after such conuiction to the Church-wardens of the Parish where the offence was committed to the use of the poore of the same parish: And on neglect or refusal
to

to pay the said forfeiture, the same shall be leuied of the goods of the offender by warrant from the Court, Judge, or Iustices, before whome the same conuiction was: And if the offender be not able to pay the said 5. shillings, he shall be set in the stocks for six houres. And euery Constable or other inferiour Officer, to whome that shall bee giuen in charge by Precept of any Maior, Bayliffe, head officer, or Iustices of the W. within their seuerall limits, that doth neglect the due correction of the said Offender, or the due leuying of the said penalties where distresse may be had, shall forfeit ten shillings to the poore of the parish or place where the offence was committed: to bee leuied by distresse (by any person hauing warrant from the Maior, Bailiffe, or other head officer, Iustices of Peace, or Court where such conuiction shall be) and to be paid to the Churchwardens as before limited. And euery person which doth continue drinking in any Anne, victualling house or alehouse, in the same Citie, Towne, Village, or Hamlet, wherein he dwelleth (other then such as are invited by traouellers; laboring & handicrafts men in Cities, towns corporate, and Market towns, vpon vsual working daies, for one houre at dinner to take their diet; laborers and workemen, which for

following of their woꝝke, sojourn, lodge,
 oꝝ victual in any Inne, Alehouse, oꝝ victu-
 alling house) other then foꝝ vꝛgent occasi-
 ons, allowed by two Iustices of Peace,
 & the same be seene by any Maioꝝ, oꝝ other
 head officer, oꝝ Iustice of P. within their
 generall limits, oꝝ pꝛoued by oth of 2. wit-
 nesses befoꝝe any such maioꝝ, &c. shall ther-
 foꝝe foꝝf. 3. s. 4. d. to the vse of the pooꝝe of
 the parish where ꝑ offence was comitted,
 to be leuied as afoꝝesaid. And if such Of-
 fendoꝝ being lawfully conuict, be not able
 to pay the said foꝝfeiture, then the maioꝝ,
 Bailife, head Officer, Iustice of peace, oꝝ
 Court, where such conviction was, may
 set such offender in the stocks iij. houres.
 And all the said offences are to be pꝛesen-
 ted (by such Constables, Churchwardens
 and other inferiour officers) befoꝝe ꝑ Ju-
 stices of Assise, in their circuit, Iustices of
 P. in their Sessions, Maioꝝs, Bailifes, oꝝ
 other head Officers of Cities oꝝ Towns
 coꝝpoꝝate, hauing power to inquire of
 trespasses, &c. & in Court Leets. And euery
 person being a second time conuicted of
 dꝛunkennes, shall be bound with 2. sureties
 in recognisance of r. l. to be from thence-
 foꝝth of good behauiour. But no person
 shall bee punished foꝝ any offence mentio-
 ned in this stat. vnllesse he be foꝝ the same
 pꝛesented, indicted, oꝝ conuicted within six
 moneths

moneths after the offence committed. Setting
dogs, and
nets,
7 Jac. ca. 11: 44 Euery Constable & Headborough, by
warrant vnder the hand of y. Just. of P.
may search the houses of persons suspected
(other then such as haue xl. li. yearely of
inheritance, 80. li. yearely of strchold, or be
worth 400. li. in goods) for setting dogs or
nets, for taking of Hensants and Partrid-
ges, and the same may take, kill, and cut
in pieces, as things prohibited, and forfei-
ted to such of the said officers as shall find
out and take the same.

39. El. esp. 4. 45 Euery of these persons following, Who bee
Rogues.
and being aboue the age of seven yeares,
is by the law declared to be a Rogue, va-
gabond, or stur dy Begger: that is to say,
Euery person y calleth himselse a Schol-
ler, and goeth about begging: Euerie
Seafaring man, (not hauing suffered
ship-wracke, nor hauing lawfull Testi-
moniall from a Justice of P. of, or neere
the place where yee landed) that goeth a-
bout begging, or exceedeth the limits of
such testimoniall. Euery idle person that
goeth about begging, or that vseth any
subtill craft, or vnlawfull Game or Play,
or that saineth knowledge in Physiog-
nomie, Palmistry, or other like craftie
Science, or pretendeth to tell Destinies,
Fortunes, or such like Fantastickall inu-
ginations. Euery wandring person that
vttre,

uttereth himselfe to be a Doctor, Doctor,
 rer, Patent gatherer, or Collector for any
 gaole, prison, or hospitall. Every Fencer,
 Bearward, Minstrell, or cunning player
 of Enterlude, other then such player of
 Enterlude as belongeth to a Baron or o-
 ther honorable person of greater degree, &
 be authorized vnder his hand and seale of
 Armes. (But see the Statute made in the
 first yeare of the raigne of our Soueraigne
 Lord King James, c. 7. That from thence, ^{1. Jac. cap. 7.}
 forth no authority to be given or made by
 a Baron of this Realme, or any other ho-
 norable personage of greater degree, vnto
 any other person or persons shall be auai-
 leable to free and discharge the said per-
 sons or any of them from the paines and
 punishments in the said Stat. (made anno
 39. Eliz. cap. 4.) mentioned, but that they
 shalbe taken within the offence, & punish-
 ment of the same Statute. Every Jugler, ^{1. Jac. cap. 7.}
 Tinker, Pedler, Petichapman, or Glass-
 man that wandzeth abroad. Every wan-
 dzing person or common Laborer not ha-
 uing otherwise then by labour to main-
 taine himselfe, and being able of bodie,
 that refuseth to worke for lawfull wa-
 ges. Euery person, deliuered out of
 Gaole, that beggeth for fées, or trauai-
 leth begging. Every one that pretending
 losse by fire, or otherwise, wandzeth beg-
 ging

ging. Euery one (not being a Felon) that pretendeth to be an Egyptian, or wandereth in the forme (or habit) of counterfeited Egyptians. Euery impotent, and diseased person (being lawfully licensed by two Just. of the Peace, to goe to Bath, or Burton) that so beareth not to begge, or returneth not according to such Licence: and euery poore person (appointed to aske reliefe in his Parish by the Overseers) that beggeth in any other sort then is appointed.

1 Jac. ca. 31. (By the statute made an. 1. Ia. cap. 31. Such as wilfully goe abroad out of houses infected with the plague, (being commanded to keepe house) though they haue no soze about them, are punishable as vagabonds in all respects ought to be by the statute (39. Eliz. cap. 4.) And by the statute made (anno 7. Jac. c. 4.) All persons, running out of their parishes and leauing their families vpon the Parish, shall be taken and deemed to bee Incorrigible Rogues, and indure the paynes of Incorrigible Rogues.

The Constable, Headborough, and Tythingman of the Hundred, Parish, or Tything, shall vpon the taking of euerie such Rogue, (the Tythingman, or Headborough being assisted with the aduice of the Minister, and one other of the parish

46 The duties of Constables,

parish) appoynt the same Rogue to bee stripped naked from the middle vptward, and bee openly whipped vntill his or her body be bloody, & shal forthwith send such Rogue from parish to parish (by the officers of the same) the next straight way to the parish where such Rogue was bozne, if that may be knowen by his or her confession or otherwise: and if that cannot be knowne, then to the Parish where he or she last dwelt before that punishment by the space of one whole yeare: and neither of them being knowen, then to the parish througħ which he or she last passed without punishment.

After which whipping, such rogue shal haue a Testimoniall, subscribed and sealed with the hands and seales of the said Constable, Headborough, Tythingman, and Spinister, or of any two of them, the substance of which shalbe registred by the Spinister in a booke to be prouided for that purpose, vnder the paine of fīue shillings for euery default thereof.

And the forme of that Testimoniall may be thus:

Item.

A.B. a sturdy Rogue, of tall Statūre, red haired and bearded, about the age of 30. yeares, and hauing a wart neere vnder his right

righteie, borne (as he confesseth) at East Tilberie in Essex, was taken begging at Shorne in this county of Kent the tenth of March, 1598. and was then there lawfully whipped therefore, and hee is appointed to goe to East Tilberie aforesaid, the direct way by Grauesend, ouer the Riuer of Thamise: for which hee is allowed one whole day, and no more at his perill: subscribed and sealed the day and yeare aforesaid.

By vs { *C.D. Minister,*
E.F. Borholder, } of Shorne a-
G.H. Parisbioner. } foresaid.

And if such Rogue doe not accomplish the order of such Testimoniall, then is he or shee to bee whipped at euery place for euerie such default, till he or she repaire to the place so limited for him: And this Testimoniall must be carried with him from Officer to Officer as is aforesaid: wherein it is needfull to set downe some speciall marke of the bodie of the Rogue, to the end that neither one Officer deceiue another, nor the Rogue deceiue them all.

But if such Rogues so taken appeare to be dangerous to the inferiour sort of people there, or will not bee reformed from roguish life, by the meanes aforesaid, then any two Iustices of peace of y^e limit (the
 one

48 The duties of Constables;

one, being of the Quorum) may commit
such Rogue to the house Correction or
Gaole.

(By the statute of an. 1. Jac. ca. 7. Every ^{1. Jac. cap. 7.}
person ought to apprehend or cause to bee
apprehended such Rogues, Vagabonds, &
Sturdy beggers, as he seeth or knoweth
to resort to his house to beg, gather, or re-
ceiue almes, and them ought to carry, or
cause to be carried to the next Constable,
or Tythingman, vpon paine of ten shil-
lings for every default.)

Every Constable, Headborough, & Ty ^{1. Jac. cap. 7.}
thingman, that shall be negligent, or shall
not doe his best indeuour, to take punish,
& conuey ouer the Rogues aforesaid, shall
lose ten shillings for every default. (By
the statute an. 1. Jac. cap. 7. the Constable
or Tythingman, is to forfeit xx. s. for eve-
ry such default.) And every other person
that disturbeth the execution of this Act
of Rogues, shall lose 5. l. for every default,
and be bound to the good behaviour.

And every such Constable, Headborough
& Tythingman, is in like sort to take and
punish, and to conuey from one to ano-
ther, every Rogue and begger that shall
be brought and set on land here, from Ire-
land, Scotland, or the Isle of Man, till he
come to the next port or parish in or nere
where he was first landed, vpon forfeiture
of

often shillings for every default.

Now for as much as the execution of this law, as also of that for the poore, is vpon good reason required at the hands of these Constables, Borsholders, and such like inferiour Officers; because as they of the common sort be most annoyed thereby, so are they in euery corner to haue a readie hand and whip to remedie the euill: I thinke good for their better direction herein, to set downe those resolutions and aduises, which (as it is commonly said) were given by the Queenes Iustices at *Westminster*, soone after the making of the said Statutes. And thus they follow.

A Rogue affirmeth, that he was bozne in such a towne, in such a county: then ought he to be sent thither, if it may not otherwise appeare that he was bozne else where: and if he were not bozne there in truth, then is he to be said an incorrigible Rogue, & is to be sent thence to the house of correction in the County to which he is sent, and if there be none there, then to the Gaole vntill the next Sessions, there to be dealt with according to the statute.

2 The same course is to be obserued, if it appeare not where he was bozne, and so if hee vntuly affirme that hee was last dwelling in such a towne, in such a coun-

D tie,

50 The duties of Constables,
tic, by the space of a yeare, and was not
in truth.

3 If the husband, or wife, haue a house,
& the husband or wife rogue about, they
ought to be sent to the towne where that
house is, and so of an Inmate.

4 The wife and children vnder seven
yeares of age, being vagrant, must goe &
be placed with the husband: if y^e husband
be dead, then with y^e wife where she was
borne or dwelt: and the vagrant chil-
dren (aboue seven yeares of age) must
be sent to the place of their birth. And if
the vagrant parents with their children
(vnder seven yeares) be placed at the
place of birth of the parents, or at the
place of last dwelling (as the case shall fall
out) if afterward the parents, or either of
them die, or runne away, yet the children
(once settled) must remaine there still, and
may not be sent to their place of birth,
though after they grow aboue the age of
seven yeares.

5 The Wife being a Vagrant
Rogue, ought to be sent to the Husband,
though hee be but a seruant in another
towne.

6 The Rogue whose place of birth (or
dwelling) cannot be known, hauing wife
and children vnder seven yeares of age,
they must go with the husband to y^e place
where

where they were last wilfully suffered to passe without punishment, where the childzen must be relieued by the worke of their Parents, though the Parents bee committed to the house of correction.

7 If any (not being Rogues) shall trauell with their childzen through a towne, and the father or mother die, or runne away, the towne is not bound to keep them where they die, nor to send them away, but onely in charitie, except they become wandring Beggars.

8 If the Parents be able to worke, and may haue work, they are to find their childzen by their labour, and not the Parish: but if they be ouerburthened with childzen, it shalbe a very good way, to procure some of them to be placed apprentices, according to the Statute.

No man is to be put out of the towne where hee dwelleth, nor to be sent to his place of birth (or last habitation) but a vagrant Rogue, nor to be found by the towne, except the partie be impotent, but ought to set themselues to labour, if they be able, & can get worke, if they cannot, the ouerscers must set them to laboz: And so of them that haue or shall haue houses, when their estates be expired: And seruants, whose times of seruice are ended, though they cannot get houses, so: they

52 The duties of Constables,

must provide themselves houses anew, if they be not impotent.

10 Such persons as be of any parish, and haue able bodies to worke, and be no wanderers abroad out of y^e parish, though they refuse to worke at such wages as is taxed (or commonly giuen) in those parts, are notwithstanding not to be sent to their place of birth (or last dwelling) by y^e space of a yeare, but to the house of correction; vpon consideration had of both y^e statutes of the poore & Rogues. But if they haue any lawfull means to liue by, though they be of able bodies, and refuse to worke, yet are they not to be sent to the house of correction.

11 Such as will remoue or put any out of their parish, y^e be not to be put out, this is against the statute concerning the reliefe of y^e poore, & fineable: & if any haue bin so sent, they may be sent back againe.

12 If any be sent to a towne whereto he ought to be sent, and is refused (being a sturdy or an impotent Rogue) the persons refusing shall forfeit five pounds, & he that is so to be sent, is to be offered to the Churchwardens and Quersers.

13 To send the Rogues by a generall Pasport, without conueying them from parish to parish, is a let to the conueying of Rogues according to the statute, and so

a

a forſeit of v.li. vpon the. And to goe with ſuch a Waſpozt, is but ſtill to continue a Rogue, to be puniſhed by whipping.

14 If the Officer will not receiue a Rogue to conuey him to the place where he was bozn (or dwelt) this is a forſeiture of v.li. in the Officer that ſhall not receiue the party to conuey him or her ouer.

15 None may be ſuffered to take reliefe at any mans doze though within the ſame pariſh, vnleſſe it be by the order of ſeuerall Quersſers, according to the ſtatute, neither may any be ſuffered to begge by the highwayes, though in their owne pariſh.

16 By this word Parents, is vnderſtood a father, or a Grandfather, Mother, or Grandmother, being perſons able.

17 Within the word childzen, is included any childe, or grandchilde, being able.

18 Parſons, or Clerics, &c. be bound (as inhabitants) to the reliefe of the poore, as well as others that inhabit within the Pariſh.

19 Euery one that hath tythes impropriate, Cole-mines, or lands in manuall occupation, &c. is chargeable: And ſo for ſuch as haue ſaleable woods, proportioning the ſame to an Annuall benefit.

20 If there be but one Church-warden in the Pariſh, he ſufficeth, with the other foure Quersſers.

54 The duties of Constables,

See before article 25. the dutie of Constables and Tythingmen in searching for and punishing Rogues, Vagabonds, and Sturdy beggers, according to the statute 7.lac.ca.4.

All these things last aforesaid, doe pertain as well to the charge of a Tythingman, Borsholder, Headborow, Chiefe pledge, or such other inferiour Officer, as they doe to the Constable of such a towne or parish, that hath any of those other Officers vnderneath him. But some other points of charge there be, that belong to such a Constable only, and not to any of them: as for example.

weights & measures.

46 Every City, Borough, & Market Towne, that haue a Constable, ought also to haue common measures sealed, and also common weights sealed, at which the inhabitants may freely weigh. 8.H.6.cap.3
11.H.7.ca.4.

Merchandize.

47 If any wools, or other Merchandize be shipped in the Staple in any suspected place adioyning to the Coast of the water, then Indentures ought thereof to be made betwene the owner and the Maior or Constable of that place: or otherwise such merchandize shall be forfeited. 14.H.6.ca.7

Unlawfull games.

48 The Maior, Sherifes, Bailifes, Constables, & other Head Officers with in every Citie, Borough, & Towne with 8.H.8.ca.3

in this Realme, where any such Officers be, ought, vnder the paine of xl. s. for euery default, once euery month at the least to make search (as well within liberties, as without) in all places where any vnlawful games shalbe suspected to be kept, and may arrest and imprison as well the keepers of such places, as the haunters to the same, till they be found no moze to keepe and haunt such places. And if any such Head Officers, shall find or know, that any Artificer, Craftsman, Husbandman, apprentice, laborer, seruant at husbandrie, iourney man, or seruant of Artificer, or that any Hariner, fisherman, waterman, or Seruingman, doth play at the tables, dice, cards, tennice, bowles, closh, coiting, logating, or any other vnlawfull game, out of Christmas time, or out of their Masters house or presence in the Christmas time, v. lesse it be by y^e licence of such Master as hath C. li. by y^e yeare, or about, & then also, that playing be within the p^{re}cing of such Masters House, Cardaine, or Orchard: then such Head Officer may commit such offender to Ward, till he will be bound by Obligation to the Kings vse (in such summe as by y^e discretion of such Officer shall be thought reasonable) that he shal not from henceforth vse such vnlawfull games.

56 The duties of Constables,

Byeiges.

49 Those foure Justices of peace, that ^{22.H.8.ca.5} be authorized by the statute to make taxation of money for the amendment of any decayed bridge in the highway, ought to make that taxation, by the assent of the Constables, or of two of the most honest inhabitants, of every Towne or Parish.

Cleffels.

50 In all Cities, Boroughes, & townes ^{27.H.8.ca.4} wherein no Wardens of Cotpers be, the Mayoers, Sherifes, Bailifes, Constables, or other head Officers there, haue power to search, view, and gaugge, barrells, kilderkins, firkins, and other vessels, to be made there, and to take such aduantage thereby and in such manner, as by the Wardens of Cotpers within the Citie of London may be take on euery behalfe.

Making
of Malt.

51 The Constable of euery borough or ^{27.El.ca.14} market towne, or other town, may view, search, and suruey all such Malt as shall be made or put to sale there: And if he shall find any Barley Malt, made at any time (the moneths of Iune, Iuly, and August only excepted) but that the same shall haue the space of three weekes (at the least) in the sat, stowe, steepling, and such sufficient drying thereof, and in those three moneths, the space of seuentene dayes at the least: And if he find any person to put to sale any good Malt mingled with Malt
not

not sufficiently made, or with malt made of mowburned or spired barley; or to put to sale any malt not sufficiently well trodden, rubbed, and fanned, whereby halfe a pecke of dust or more may be fanned out of one quarter thereof: Then may such Constable (with the aduice of one Iustice of P. in that shire) cause the same Malt to be sold to such persons, and at such reasonable prices (vnder the common price of the market) as to his discretion shall seeme expedient.

47. El. cap. 2. 52 In default of agreement of the parishioners between themselves, the Constables & Churchwardens of each parish (or the more part of them) may rate & allot within their parish their assesse for the Stockes of the shire wherewith that parish was charged at y^e Quarter Sessions, and they also may leuie the same vpon any parishioner by distresse and sale of his goods, rendring the ouerplus vnto him. Stocke of the shire.

1. Jac. cap. 9. 53 Every Innekeeper, victualer, or alehousekeeper, that permitteth any to continue tipling in his house (except such as are invited by Trauailers, Labouring men in dinner time, or which lodge in such houses for time of their continuing in worke, or such as for vrgent occasions are allowed by two Iustices of Peace) shall forfeit tenne shillings to the poore of the
the

the parish: and that selleth lesse then a full ale-quart of the best Beere or Ale, and of the smal two quarts for a penny, shal forfeit xx.s. to the vse aforesaid, the same offences being viewed by any Maior, Bailife, or Iustice of the Peace in their seuerall limits, or proued by oath of two witnesses befoze such Maior, &c. which penalties are to be leuied by the Constables or Churchwardens of the parishes where the offences are committed, by distresse (and for default of satisfaction within six daies, the same distresse to be presently appraised and sold, and the surplusage to be deliuered to the party of whom the distresse was taken) vnder paine of losse of xl.s. to the foresaid vse, by neglect of their dutie therein, or in certifying the default of distresse by the space of xx. daies to the Maior, Bailife, or other Head Officer, or Iustice of the Peace within whose iurisdiction the offence was committed. For which penalties to be leuied by the Constables or Churchwardens, they shall be accountable to their successors & the parishioners.

Utiua:

king houses

54 All Iustices of P. Maiors, Bailifes, Head Officers, & Constables, as well of Cities and Townes Corporat, as in every County of this Realme, may in Lent time enter into all houses of Utiuallers, and common victualling houses, where dwelling

1. Lac. ca. 29.

dressing of flesh in Lent shall be suspected, and finding any Dren, Beaves, Benets, Hogs, Calves, Rams, Cows, or Weathers killed or dressed in Lent time, or on fish daies, may seise the same as forfeited, and distribute it to prisoners and other poore folkes by their discretion.

1. Iac. ca. 31. 55 Where the Infection is in any Ci- Plague.
tie, Borough, towne corporate, privileged
ed place, or Market Towne, the Maior,
Bailife, Constable, or other head Officers
there, may command persons being or
dwelling in houses infected to keepe in,
and the persons disobeying such comand
incurre such danger, as befoze is expessed
in the Article 42.

3. Iac. cap. 4. 56 The Churchwardens & Constables Present
of euery Towne, Parish, or Chappell, or the names
one of them, shall once every yeare present of Recu-
at the quarter Sessions, the monthly ab-
sence frō Church of al Popish Recusants
in such townes & parishes, & the names of
their children of 9. yerres old & upwards a-
biding with their parents, & if they can,
their age, & the names of their seruants.
And in default of such presentment, shall
forfeite xx. s. And if the partie vpon such
presenment happen to be indicted and
conuicted (not being for the same absence
befoze presented) they shall haue a reward
of forty shillings of the Recusants goods.
The

60 The duties of Constables,

The duties of Constables in making ^{3.lac.ca.10}
an indifferent tare for the charges of con-
ueying an offendor to the Gaole, See be-
fore article 24.

Sea-fish.

57 By the warrant of one, or more Ju- ^{3.lac.ca.12,}
stices of P. it is lawfull for the Consta-
bles & Churchwardens of euery Market
Towne, Parish or Libertie, within
which any offence shall be done (in erect-
ing of new weares along the sea shore, or
in any haven, harbor or creeke, or within
v. miles of the mouth of any haven, har-
bor or creeke; in destroying of the spatwne
of sea-fish in any weare or other engine;
or in fishing with any draw-net, or drag-
net vnder three inches meash, in any ha-
uen, &c. or within five miles, &c.) against
the Statute ^{3.lac.ca.12.} may leuy the for-
feitures, by way of distresse and sale of
the offendors goods, rendering to them the
surplusage.

Apprenti-
ces.

58 The Parson or Vicar of euery town ^{7.lac.cap.3.}
or parish not incorporate, together with
p Constable or Constables, Churchwar-
den or Churchwardens, Collectors, and
Quersers of the poore, or the most part of
them (where money is already given or
shall hereafter be giuen to be continually
imployed for the binding out as appren-
tices the poorest sorts of children) shall
within the said Townes and Parishes,
haue

haue the nomination and placing of such
 Apprentices, and the guiding & imploy-
 ment of such moneys as haue bene here-
 tofore so giuen, or which hereafter shal be
 giuen to and for the continuall binding
 forth of such, and so many Apprentices, &
 in such sort as is already, or shal hereafter
 be so giuen & appointed, either by the last
 will, or any writing vnder the hand and
 seale of the giners of such moneyes. And
 if any of them wilfully forbear or refuse,
 according to their duties, to imploy such
 moneyes, by meanes whereof the said
 money shall not be imployed accordingly:
 then euery of them so offending shall for-
 feit thre pounds for euery such offence.
 And the Master, Mistresse, or Dame, of
 such Apprentices shall be bound with one
 or two sufficient surties, in double the
 summe they haue receiued w such appre-
 tices, to such Parson or Vicar, Constable,
 &c. to repay y mony so receiued at 7. yeres
 end, or within thre months next after the
 end of the said seuen yeres. And if the ap-
 prentice, Master, Mistris, or Dame, hap-
 pen to die within y said space of 7. yeres,
 the within one yere next after such death.
 And the Parson or Vicar, Constable, &c.
 ought to put forth & employ such moneyes
 within thre months at the furthest after
 the same shall come to their hands. And if
 there

62 The duties of Constables,

there shall not be found fit persons to be bound out apprentices in the townes and parishes where such moneyes are or shall be giuen to be employed as afore is declared, the poorest children of any ŷ parishes next adioyning may (by the discretion of ŷ said Parson &c.) be bound apprentices, taking such bonds as is aboue mentioned. And choise must be alwayes made of the poorest sorts of children : and that no apprentice be aboue xv. yeares old when hee shall be first bound. And the said Parson or Vicar, Constable, &c. are once every yeare in Easter weeke, or within a month after Easter day, accountable before 4. 3. or 2. Iustices of Peace dwelling in or next to the said townes and parishes, for all such mony as they haue employed in binding of apprentices, & of all bonds & Obligations taken for payment thereof, and of the mony remaining in their hands : and are, at such account, or within x. daies after, to deliuer to their successors, or to such as then be in their rooms or places, all the said bōds & obligations, & such moneyes as remaine in their hāds, not thē employed.

59 In all these cases also, last before rehearsed, it seemeth that Bozholders, Tythingmen, Headbozowes, and other such (being in townes or parishes vnderneath Constables that be there) cannot meddle,

meddle, because such Constables be (in comparison of them) called Head Officers.

60 Now therefore vpon all the whole discourse before written, it may well appeare, that Borsholders, Tythingmen, Headborowes, Borowheads, Thirdborowes, and Chiefe pledges, whether they be there the onely Officers for the peace, or be vnderneath Constables, may within their Borowhs, Tythings, or Hamlets, doe many things that the others may do; and that there are many other points which those other Officers may doe, and wherewith these Borsholders & the rest cannot meddle at all. And therefore, to auoid idle repetition of matters already spoken, I say shortly, that if an Under Borsholder, Tythingman, Headborow, Borowhead, Thirdborow, or Chiefe pledge, will see what belongeth to him to doe, he must looke before vpon all such cases, where his power is declared to be equall (for those points) with the power, either of a High Constable of the Hundred, or a Constable of a towne or parish, for in all such things he hath to deale as well as they: but where any thing before is shewed to pertaine onely to the High Constable of a Hundred, or onely to the Constable, or chiefe or head Officer of a towne

towne or parish, there such a Boztholder, Tythingman, or any of the rest, hath nothing to doe with it.

And thus hauing opened so shortly and plainly, as I could, the duties of all these said Ministers of the peace, I doe shut vp this worke : desiring those that shall take any profit of this labour, to yeld thanks to God the most liberall giuer.

FOr the more ease of euery of these Officers in finding out that which particularly belongeth vnto each of them, I haue diuided the former Treatise into threescore seuerall Articles (or parts) as it may appeare at the beginning of each Article by the seuerall Figure thereof, by which euery Officer may be directed seuerally to so much as appertaineth to himselfe, if hee will marke this short table following. For,

The High Constable of the Hundred, Rape, Franchise, or Wapentake, hath the execution of all those matters that doe lie within these Articles, that is to say,

Articles

Articles concerning.

- | | | | | |
|----|---|------------------------------------|----|--------------------------------|
| 3 | } | His name and beginning. | 24 | Conueying offenders to prison. |
| 4 | | | 25 | Rogues and Beggers. |
| 11 | } | The peace and serving of Warrants. | 26 | Prisoners. |
| 12 | | | 27 | Pettie Sessions. |
| 13 | } | | 28 | Watches, and Highwaies. |
| 14 | | | 29 | Clothiers. |
| 15 | } | Execution of Statutes. | 30 | Highwaies. |
| 16 | | | 31 | Money for Prisoners. |
| 17 | } | Phyitions. | 32 | Money for Souldiours. |
| 18 | | | 33 | Popish Recusants. |
| 19 | } | Purveyors. | 43 | Drunkennesse. |
| 20 | | | | |
| 21 | } | Souldiers. | | |
| 22 | | | | |
| 23 | } | Coroners. | | |
| | | | | |

And the Constable of a Towne and Parish, hath his part in all things contained within any of these Articles following, that is to say,

Articles concerning.

- | | | | | |
|----|---|-----------------------------------|----|--------------------------------|
| 4 | } | His name and beginning. | 21 | Souldiers. |
| | | | 22 | Coroners. |
| 11 | } | The Peace and serving of precepts | 24 | Conueying offenders to prison. |
| 12 | | | 25 | Rogues and Beggers. |
| 13 | } | | 26 | Alehouses. |
| 14 | | | 27 | Servants and Labourers. |
| 15 | } | Execution of Statutes. | 28 | Highwaies. |
| 16 | | | 29 | Highwaies in the Wealde. |
| 17 | } | Phyitions. | 39 | Hue and crye. |
| 18 | | | | |
| 19 | } | Purveyors. | | |
| 20 | | | | |
| 21 | } | | | |
| | | | | |

66 The dutie of Constables, &c.

- | | |
|------------------------|-------------------------|
| 40 } Popish Recu- | 48 Vnlawfull games. |
| 56 } sants. | 49 Bridges. |
| 41 Hedgebreakers. | 50 Vessels. |
| 42 } Plague. | 51 Making of Malt. |
| 55 } | 52 Stocke of the Shire. |
| 43 Drunkenness. | 53 Tipling. |
| 44 Setting dogs & net. | 54 Victualling houses. |
| 46 Weights & measures | 57 Sea-fish. |
| 47 Merchandize. | 58 Apprentices. |

And every Bozholder, Tythingman, Bozthead, Headbozow, Thirdbozow, and chiefe pledge, may for his Bozow, or Tything, learne his office by these Articles, that is to say,

Articles concerning

- | | |
|------------------------|-----------------------------------|
| 5 His name. | 23 Coroners. |
| 6 } His first office. | 24 Conueying offenders to prison. |
| 7 } | |
| 8 } His latter Office. | 25 } Rogues and Beg- |
| 9 } | 45 } gers. |
| 10 } | 30 Highwaies. |
| 11 } | 34 Alehouse. |
| 12 } Keeping of the | 35 } Seruants and La- |
| 13 } Peace. | 36 } bourers. |
| 14 } | 37 Highwaies. |
| 15 } Precepts to be | 38 Highwaies in the |
| 16 } serued. | Wealds. |
| 17 Execution of Sta- | 39 Hue and crie. |
| tutes. | 40 Popish Recusant. |
| 18 Physicians. | 41 Hedgebreakers. |
| 19 } Purueyora, | 42 Plague. |
| 20 } | 43 Drunkenness. |
| 21 } | 44 Setting dogs and |
| 22 Soldiers. | nets. |

The

The duetie of Church- 67

Ministers.

The latter Lawes having im-
ployment of many to make,
hath borrowed some vse, in
a few easie matters of spiri-
tuall Ministers, chiefly for the helpe and
readinesse of their pen, which in many
Parishes few, or none (besides they) can
serue withall.

1 The Minister (or Curate) of the pa-
rish, ought to register the Testimoniall
that is made to a servant to appeare at
the end of his Terme, and he is to take
two pence therfore, and not aboue.

2 He also is to assist the Wortholder,
or Tythingman, in appointing a Rogue
to be whipped, and must register (in a
booke for that purpose) the Testimoniall
that such Rogue ought to haue after
whipping, vpon pain to lose five shillings
for euery default.

5.El.cap.5. 3 He may giue licence to a sicke per-
son (during the sicknesse onely) to ^{eat flesh.}
eat flesh vpon dayes prohibited, and
must (for foure pence) register the same
in the Church booke, if the sicknesse conti-
nue aboue eight dayes after the Licence.
But see the statute 1. Iacobi cap. 29. That
no Licence granted to any sicke person

1.Iac.ca.29. by force of the Statute 5.Eliz.cap.5. shall

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be any sufficient warrant to such person to eat any Beefe, Meale, Porke, Mutton, or Bacon, in Lent, or vpon any day now obserued as a fish-day, but that the said sick person for dressing or eating such Beefe, &c. shall incurre the danger and penaltie comprised in the said Statute of 5. Eliz. cap. 5.

Come to
Church.

4 The Minister or Curate of the Parish, may require any person within 10. moneths after his conviction vpon the Statute 35. Eliz. cap. 1. to make publike confession and submission in the seruice time of a Sunday or festiual day. And he that shall (after notice to him giuen by the Minister or Curate, or Churchwardens) maintaine, or retaine, in his house, or otherwise, any person obstinately refusing to come to Church, shall lose tenne pounds for euery such person, for euery month so maintained or retained.

Popish recusant.

5 The Minister or Curate of the Parish, and the Constable, Headborough, or Tythingman of the towne, to which any Popish Recusant is sent, shall (vpon notice thereof by himselfe) enter the same into a Booke to be kept in euery parish for that purpose: and shall certifie the same to the next Quarter Session of the Peace in that County.

Fift day of
November

6 Euery Minister after morning praier
or

3. Jac. cap. 1.

oz preaching is alwayes vpon the v. day of Nouēber, to read publikely, distinctly, and plainly the statute made in the third yeare of the raigne of our most gracious Soueraigne King Iames, for publike thankesgiuing to Almighty God euery yeare on the same day, for his deliuerance of the King and State from the Powder Treason.

See before in Constables &c. Art. 25. his hand to be set to the account of Constables and Tythingmen, of Rogues taken and punished by them.

See in Constables &c. Art. 58. the durie of the Parson, or Vicar, in binding out of Apprentices, and in imploying of money giuen to that vse.

The duties of Churchwardens.

Whilest I passed thorow some of the Statutes before concerning the offices of Constable & Boztholder, I found them mingled with diuers duties pertaining to the Churchwardens of parishes, the Surueyors of the Highwayes, the Distributers of h provision for h destruction of Uermine, and Quersers of the poxe, whereby I was also moued to adde somewhat of these offices, the rather

70 The duties of Churchwardens.

because I was perswaded, that with that little moze of labour, I might doe a great deale moze of good, seeing that thereby the plaine countryman should (after a sort) be furnished with all manner of vnderstanding (in the Tempozall Law) needfull for the exercise of any of those offices that may lightly fall vpon him.

First therefore I will speake of the Churchwardens office, but that so farre forth onely, as the common Lawes, and Statute Lawes of the Realme doe leade mee, knowing that such other parts of that office as doe rest vpon the Lawes Ecclesiasticall, be from time to time sufficiently both taught and called vpon, by those that haue the execution of the same.

The office
of Church-
wardens
by the com-
mon Law.

The Churchwardens of Parishes be taken (in fauour of the Church) to be for some purposes a manner of Cozporation at the common Law: that is to say, Persons enabled by that name, to take moueable goods, or cattels, and to sue, and be sued at the Law, concerning such goods for the vse & profit of their parish. And therefore a man may well in his life time giue by his last will bequeath, money or other moueable things, to y Churchwardens, or to the Parishioners of a Parish, either for the reparation of the Church, or towards

Lib
fol.

11.
8.f

37
&
11
8.

Lib. Intrac.
fol. 576.

towards the buying of Bookes, Communion Cuppes, Linnen Cleathes, or other decent ornaments or furniture for the Church. Which manner of gift is so much favoured in the Law, that it is not altogether needfull in such a gift, for a man to use expresse words, or writing. For if a man doe buy a Bell, and doe hang it vp in the Steeple, or doe make a Pew, and doe set it vp in the Church, and doe neither make any word, or writing thereof, yet is this Bell or Pew, by this dedicated or giuen to the Church.

11. H. 4. 12.
8. H. 7. 12.

2 Now although Churchwardens shal haue none action at y^e Common Law to recouer a Legacie, or such other thing which they neuer had: yet neuerthelesse, if any such goods, or ornaments of the Church be once in their possession & custodie, then shall they maintaine an Appeale of Robberie against him that stealeth them, or an action of Trespas against him that shall wrongfully take them away, though it be the Vicar, or Parson himselfe: and the damages that they shall recouer thereby, shall be to the use & benefit of the parish, and not to their owne use. But if those Churchwardens (from whom the goods were so taken) shall happen to die before any Action by them brought for the goods, yet shall the next Church-

They shall
haue action

37. H. 6. 30.
& 34.
11. H. 4. 12.
8. E. 4. 6.

72 The duties of Churchwardens,

wardens have action for the same.

They may
not waste
the church
goods.

3 And forasmuch as these Church- Fitz. N. 4. br. 91 K. 19. H. 6. 66. al contr.
wardens be Officers, put in trust for the
behoofe of their Parish, therefore also are

they not enabled with any other power,
then for the good and profit of the Parish.

So that Churchwardens can neither
give away, nor release at their owne plea-
sure, the goods of the Church. For if the
parishioners shall finde that they doe un-
profitably waste, or mispend the goods of

They may
be removed
& brought
to account.

the parish, then may they remove such
Churchwardens, by making their choise
of new: which new Officers may (by
Action of account) call to account the for- 8. E. 4. 6.

mer Churchwardens, and shall thereby
compell them, both to giue reckoning of
their doings during their office, and also
to make satisfaction to the vse of the pa-
rish, for the harme that it hath received by
their fault. And although the vse and
custome of the parish be that the Church-
wardens there shall continue in their office
by the space of one whole yeare, or two
yeares or more (as indeed some parishes
haue such customes) yet vpon such, or the
like misdemeanors found in the, may the
parishioners at all times proceed to an e-
lection of new Churchwardens, and may
remove the old, for that otherwise they
haue no meane by our law to call them to

their

16. H. 2. 5.

their Account, but by such as shall be put in their place. Neuerthelesse those former Churchwardens shall (vpon the making of such their Account) haue allowance of all needfull summes of money, or other things, which they haue expended, either vpon the reparation of the body of the Church, or for the prouision of meet and lawfull ornaments or other furniture of the Church or Parish: because they are compellable (by y^e Ecclesiasticall lawes) so to lay forth the goods of the Parish committed to their custodie and charge. They shall haue allowance also (vpon such their Account) of the money paid by them for reliefe of Prisoners in the common Gaole, by vertue of the Statute 14. El. c. 5. and of whatsoeuer other thing that they are by law chargeable to doe.

4 This (in effect) is the power and charge that the common law doth giue to Churchwardens: for as touching any estate in lands, or y^e profits of any lands, Churchwardens haue not to meddle at all: Insomuch, that if the wals, windowes, or doores of the Church be broken, or the trees in the Churchyard be cut downe, or the grasse thereof be eaten vp, then the Parson or Vicar (& not the Churchwardens) shall haue the Action for it: because Churchwardens are not by law allowed

They haue
not to doe
with lands

11. H. 4. 13.

12. H. 7. 77.

13. H. 7. 9.

74 The duties of Churchwardens.

loved to be a Corporation for any other thing then for moveable goods onely.

Church-
wardens
office by
the statute.
Repaire to
the church.

Now therefore I will shew how their office is increased by a few statutes lawes, that doe concerne the same.

5 All persons inhabiting within the Kings Maiesties Dominion, shall diligently and faithfully (having no lawfull or reasonable excuse to be absent) endeavour themselves to resort to their parish Church or Chappell accustomed, or (upon reasonable let thereof) to some vsuall place where common praier and such seruice of God (as is contained in the booke of common praier) shall be vsed in such time of let, upon euery Sunday & other dayes ordained & vsed to be kept as holy dayes, and then & there to abide orderly & soberly during the time of the common praier, preachings, or other seruice of God, there to be vsed & ministred, upon paine of punishment by the censures of the Church, and also upon paine that euery person so offending shall forfeit for euery such offence 12. d. to be leuied by the Churchwardens of the parish where such offence shall be done, to the vse of the poore of the same parish, of y^e goods, lāds & tenements of such offender, by way of distresse.

1. El. cap. 2.

High-
wayes.

6 The Constables and Churchwardens of euery Parish shall yearly upon the

the Tuesday or Wednesday in Easter worke, call together a number of the Parishioners, and shall then elect and chuse two honest persons of the Parish to be Surueyors & orderers of the workes for one yeare, for amendment of the Highwaies in their parish, leading to any market towne : which persons shall take vpon them the execution of their said offices, vpon paine euery of them making default to forfeit xx. s. And the said Constables and Churchwardens shal then also name and appoint six daies for the amendment of the said Highwayes, before Midsummer then next following : and shall openly in the Church the next Sunday after Easter giue knowledge of the same six dayes. And they also ought to haue one part of the Streets indented, and shal call the Constables to account, &c. as it doth appeare before in the thirtieth article of the Constables office.

7 See after also in the office of the Surueyors of the High-wayes for leuying those forfeitures by the Churchwardens, if the Surueyors shall not leuie and imploy the same within one yeare after the offence committed.

8 And see in the 4. article of the dutie of the Minister, that the Churchwardens may giue notice to such as maintaine, or
 Refuse to come to the Church.
 retaine

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retaine in house or otherwise, any person that obstinately refuseth to come to the Church.

Eat flesh.

9 If any person within this Realme, 5.El.cap.5. shall (without lawfull licence) eat any flesh vpon any dayes now vsually obserued as fish-dayes, he shall forfeit th:æ li. for euery such offence, or else suffer th:æ moneths imprisonment. And euery person within whose house any such offence shall be done, & being priuy or knowing thereof, and not effectually disclosing the same to some publike Officer, hauing authoritie to punish the same, shall for euery offence forfeit xl. s. The third part of all which forfeitures shall be to the vse of the parish wherein the offence shall be, and to be leuied by the Churchwardens after any conuiction in that behalfe.

Licence to eat flesh.

The licence for eating of flesh, to be 5.El.cap.5. giuen to any person for notorious sicknesse, by the Bishop of the Diocese, or by the Parson, Vicar, or Curate of the Parish, ought to be registred (if the sicknesse shall continue aboue eight daies after such Licence granted) in the Church Booke, with y^e knowledge of one of the Churchwardens there: and the partie licenced shall giue foure pence to the Curate for the entrie thereof. See before in the duties of Church-Ministers, Art. 3.

43. Eli. ca. 2. 10 The Churchwardens, and foure, Poore.

thre, or two others of euery Parish, appointed by the two Iustices of Peace, to be Quersers of the Poore there (or the more part of them) may by the consent of two Iustices, from time to time take order, for setting to worke all persons married or unmarried, that haue no means, or ordinary trade to liue by, & the children of such parents as shal be thought vnable to maintaine them : and may far as well Inhabitants as Occupiers of lands in y^e Parish to pay weekly, or otherwise, such competent summes of money (as they shal thinke meet) for a stock of ware and stuffe for such poore to worke, and for the necessary reliefe of the impotent poore there, and for the putting out of such children to be Apprentices : and may execute all other things, concerning y^e premisses, as to them shal seeme conuenient.

And they shal meet together once in each moneth at the least in the Church vpon some Sunday in the afternone, to consider of some good course & meet orders to be set down in y^e premisses, & within 4. dayes after their yeare ended, and other Quersers nominated, shal yeld vp to the two Iustices of P. a perfect account of their Money, Stocks, and other things concerning that office, and shal pay the monies

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monies that shall bee in their hands, to the new Churchwardens and Overseers, upon paines to lose twenty shillings for every such monethly absence (without cause, to be allowed by the two Iustices) and for every negligence in the execution of the said office, or orders made by assent of the two Iustices, as aforesaid.

And the said Churchwardens & Overseers (or any of them) by warrant from two such Iustices, may leuie such taxations by distresse and sale of the offenders goods, as also the money behinde upon any such account, rendring the ouerplus to the partie: & they (with the leaue of the Lord of a Common, or Wast, in writing) may erect there conuenient habitations, and place inmates therein, at y^e generall charges of the parish, &c. When the stocke of the Shire is assessed by the Iustices of W. in their quarter Session upon every parish, the same shall be yearely rated within the parish by agreement of all the parishioners, or in default thereof by the Churchwardens and Constables of the parish, or the more part of them, who may leuie the same by distresse and sale of the goods of such as refuse to pay their portion thereof, and shall render the ouerplus thereof to the owner: and y^e Churchwardens must ratably pay ouer to the High Constable
in

in whose limit the parish is situate, tenne dayes befoze the end of euery Quarter Sessions, such money as for that parish they ought to pay for the reliefe of the prisoners in the Marshalsey & Kings Bench, vpon forfeiture of ten shillings for euery default of such payment.

3 El. cap. 15
& 14 El. ca.
11.

11 In euery parish, the Churchwardens, with sixe other Parishioners, (to one of whom be required by the Churchwardens) shall yearly in one of the holy daies in Easter wake, and at euery other time when it shall be needfull, take and asseesse euery person hauing the possession of any lands or tithes within that parish, to pay such summes of money as they shall thinke meet, according to the quantitie of such their lands or tithes. And if any such person doe denie to pay the same, or doe not pay the same (within foureteene dayes next after request thereof made by the Churchwardens, or one of them) then such person shall forfeit for euery time five shillings, which (together with the summe assessed) shall be leuied by distresse, of the goods and cattels of such person, to be taken by the Churchwardens, or one of them, the same distresse to be offered & used, as distresses taken for emerciements in Leets. And as well the said sum as penalties, (if any of them be
so

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so leuied) shall be yearely by the Churchwardens, or one of them for the time being, deliuered by Bills indented, to two honest and substantiall persons of the parish, which shall be elected and appointed by the Churchwardens, and shall be named, The distributors of the prouision for the destruction of noisome fowle and vermine. And if the said Churchwardens, or persons, or distributors, or any of them, shall refuse or make default in the execution of any part of this act, contrary to the forme thereof, then such offender shall forfeit for every default five pounds, the one moiety to the king, the other to him or them (vsing tillage yearely within the same shire) that will sue thereto in any court of Record.

**Souldiers
monyp.**

12 The money assessed at the quarter Session by the Iustices of P. vpon every parish for the reliefe of disabled souldiers, may be rated (in default of agreement of the parishioners amongst themselves) by the Churchwardens and Constables of the parish, or the moze part of them: and they may leuie such Rates by distresse and sale of the goods of such as refuse to pay their rates, rendring to the owner the ouerplus comming of such sale: and the Churchwardens must collect and pay ouer to the High Constable in whose diuision

43. Eli. ca. 3.

diuision such parish is, enery such summe
r. dayes befoze euery quarter Session of y^e
peace, vnder the paine of twenty shillings
foz euery default thereof.

For the rest of the office of the Church-
wardens concerning this matter, see after-
ward in the dutie of the Distributers. See
also in Constables article 26. for the gaole
money, to be leuied by Churchwardens.

1. lac. cap. 9. 13 The Constables & Churchwardens Tipling.
omitting their duty in leuying the soz sei-
ture of Innkeepers &c. suffering any to
remaine tipling in their houses, o2 selling
Ale & Beere, otherwise then by the statute
is appointed : o2 neglecting by xx. dayes
to certifie the default of distresse, in offen-
dozs against this act, do therby sozseit foz
euery such default xl. shillings to y^e poze.
Whereof see before in Constables &c. 53.

1. lac. ca. 27. 14 If any shal haue o2 keepe any grey, Deere,
hound foz coursing of deere o2 hare, o2 set, Hare,
ting dogge o2 dogs, o2 net o2 nets, to take Pheasant,
Pheasants, o2 Partridges contrary to this Partridge.
statute 1. lac. cap. 27. the Churchwardens
where the offence shall be committed, o2
the party apprehended, are, in cases there
in mentioned, to receiue to the vse of the
poze of the parish sozt y shillings.

3. lac. cap. 4. 15 The Churchwardens & Constables the absence
of euery Towne, Parish o2 Chappell, o2 of Popish
some one of them, are yerely to present to Recusants

the

the Quarter sessions, & monthly absence from Church of Popish Recusants; and their childrens names aboue nine yeres old, and their age if they can, & the names of their seruants, vpon paine of xx.s. And if such Recusants vpon that presentment be indicted and conuicted, they are to haue a reward of forty shillings of such Recusants goods. See in Constables &c. 56.

Repairs to
Church.

16 The Churchwardens may by warrant from one Iustice of Peace, leuie, to the vse of the poore, by distresse and sale of the offendoers goods, rendring the ouerplus to such offendoer, twelue pence for euery default in not repairing to Church enery Sunday according to the Statute of 1.Eliz.cap.2. See before Article 5.

Conueying
of offendoers
to prison.

17 Where an offendoer committed to prison, hath not goods sufficient to defray the charge of conducting him thither, the Constables & Churchwardens, & two or thre of the Parishioners, may make an indifferent tax for the same: Whereof see before in Constables 24.

The Office of the Superuisors, Surueyors, or Orderers of the workes for amending of the Highways.



Vpon the six dayes appointed for working in the highwaies in such sort as is before declared in the Art article of the Church,

1. & 3. Phil.
& M.ca.8. &
1.El.c.13. &
39.El.ca.19.

Churchwardens office, every person for every plowland in tillage or pasture that he or they shall occupy in the same parish, and every other person keeping there a draught or plow, shall find & send, at every day & place to be appointed for the amending of the waies in the parish as is aforesaid, one wain or cart, furnished after the custome of the Country, with oren, horses, or other cattell, & all other necessaries meet to carry things convenient for that purpose, and also two able men with the same, upon paine of every draught making default $1. s.$ And every other householder, & also every cottager & labourer of y^e parish, able to labour, & being no hired servāt by the yere, shall by themselves or one sufficient labourer for every of them, upon every of the said sixe daies, work & trauell in the amendment of the said highwaies, upon paine of every person making default to lose for every day $15. d.$ And if the carriages of the parish, or any of them shall not be thought needfull by the superuisors to be occupied upon any of the said dayes, y^e then every such person y^e should haue sent any such carriage, shall send to the said worke for every carriage so spared, two able men there to labour for y^e day, upon paine to lose for every man not so sent to work $15. d.$ And every person & carriage a-

bone said, shall haue and bring with them such shouels, spades, pickes, mattoches, and other toles and instruments, as they doe make their owne ditches and fences withall, and such as be necessary for their said worke. And all the said persons and carriages shall doe & keepe their workes, as they shall be appointed by the said Superuisors, or one of them, viij. houres of euery of the said daies; vntlesse they shall be otherwise licenced by the said Superuisors, or one of them.

From henceforth it shall & may be lawfull to all and singular Superuisor and Superuisors and orderers of the workes, for the time being, for the amendment of the said highwaies, thereunto elected and appointed, according to the statute made in the second and third yeare of R. Philip and M. Mary, for the better reparation and amendment of the highwaies within their severall Parishes and limits where they shall be so made Superuisors (if it shall be so to them thought necessary) to take and carry away of the rubbish, or smallest broken stones of any quartie or quarries lying or being within the Parish where they shall be Superuisors, without licence, controlment, or impeachment of the owner or owners, so much as by their discretions shall be deemed and

and iudged necessarie to the amendment of the said wayes. And that for default of any such quarrie or quarries, it shall and may be lawfull for euery such superuisor or superuisors, for the vse aforesaid, in the seuerall grounds of any person or persons being within the parish, and limits where they shall be superuisors, and nigh adioyning to the way or wayes wherein such reparations shall be thought necessarie to be made, and wherein grauell, sand or sinder is likely to be found, to dig or cause to be digged for grauell, sand or sinder, and likewise to gather stones lying vpon any lands or grounds within the parish, and meet to be used to such seruice & purpose therefor, to take and carry away so much as by discretion of the said superuisors shall be thought necessary, to be imploied in the amendment of the said highwayes. **Pro**vided alwayes, that it shall not be lawfull to any such superuisor or superuisors, by vertue of this act, to cause any rubbish to be digged out of any quarrie or quarries, but onely shall extend to such rubbish as shalbe found there ready digged by the owner or owners of the said quarrie or quarries, or otherwise by his or their licence & commandement, nor shall not extend to giue authoritie to any superuisor or superuisors to dig or cause to be digged, any grauell,

uell, sand, oꝛ sinder in the house, garden, oꝛchard, oꝛ meadow, of any person oꝛ persons, noꝛ that it shall be lawfull by this act to any such Superuisoꝛ oꝛ Supervisoꝛs to cause any moꝛe pits to be digged foꝛ grauell in any seuerall oꝛ inclosed ground than one only, & that the same pit oꝛ hole so digged foꝛ grauell as is afoꝛesaid, shall not by any way be in bredth oꝛ length above ten yards at the most. And y^e every such Superuisoꝛ as shall cause any such pit to be made & digged foꝛ grauell, sand, oꝛ sinder, as is afoꝛesaid, shall within one moneth next after any such digging oꝛ pit made, cause the same to be filled, & stopped bp with earth, at the cost and charges of y^e Parishioners, vpon paine to foꝛfeit to the owner and owners of the soile, wherein any such pit shall be made and digged, foꝛ every default fine markes.

El. cap. 13.

From hencefoꝛth, every such Superuisoꝛ and Supervisoꝛs, as afoꝛesaid, shall by foꝛce of this act, within the parish oꝛ limits where he oꝛ they shal be supernisoꝛs, haue full power & authozitie to turne any such water course, oꝛ spring of water, being in any of the said highwaies, into any ditch oꝛ ditches, of y^e seuerall ground oꝛ soile of any person oꝛ persons whatsoever, next adioyning to the said waies, in such manner and foꝛme, as by the discretions of the said

said Supervisors shall be thought meetest and most convenient.

Such Supervisor or Supervisors for the time being, within one month next after default or offence, made, done, or committed by any person or persons, contrary to the provision, purport, & true meaning of the Stat. made (concerning highwayes) in the second and third yeare of R. Philip and Quene Mary, shall present every such default or offence to the next Justice of peace for the time being, upon paine to forfeit for every such default and offence, in such sort not by them presented &c.

Every person or persons (except such as shall dwell in the city of London) that shall be assessed to the payment of any Subsidie to his Majestie to v. li. in goods, or &c. in lands, or above, during all such time as he shall stand so assessed & not altered, & being none of the parties chargeable for the amendment of highwayes by any former law, but as a cottager, shall find two able men verely to labour in the highwayes, at such daies & times, as by y^e severall Statuts thereof are limited & appointed. And every other y^e hereafter shall occupie a plough land in tillage & pasture, lying and being in severall parishes, shall be chargeable to y^e making of the wayes within the Parish where he dwelleth, as far forth, & in such

maner and foꝛme, as any person hauing a plough land, in any one parish, is oꝛ ought to be chargeable, by reason of the said foꝛmer statutes, oꝛ either of the. And euery person oꝛ persons occupying & keeping in his oꝛ their hands oꝛ possessions, seuerall oꝛ diuers plowlands, as aforesaid in seuerall oꝛ diuers towne, halbe charged to find in each towne oꝛ parish (where the plowlands being in his occupation doe lie) one cart, wain, tumbrell, dūgpot, oꝛ court sleds, carres oꝛ drags, furnished foꝛ the amēdment & repairing of the highwaies, within y^e seuerall parishes where the said plough lands doe lie, in such maner and foꝛme, as if he oꝛ they were a parishioner dwelling within the parishes, where the same seuerall plough lands doe lie.

Euery person oꝛ persons, that shall not repaire, ditch, oꝛ scowze, any haies, fences, ditches, oꝛ hedges, adioyning to any highway oꝛ common fairing way, oꝛ shall not cut downe oꝛ keepe low all trees & bushes, growing in, oꝛ next adioyning to any the said wayes, accoꝛding to the true intent & meaning of the act made in the first yere of the late M. Elizabeths raigne, foꝛ euery offence committed therein, contrary to y^e true intent thereof, shall foꝛfeit and lose foꝛ euery default ten shillings. And all and euery person and persons, that shall occupy
pie

pie any lands adioyning to the ground, so adioyning to any such highway, or comon fairing way, where any ditching or scowring should or ought to be, as aforesaid, shall from time to time, as need shall require, ditch & scowze in his or their ground so adioyning, wherby the water conueied from the said highway, or common fairing way ouer the ground next adioyning, may haue passage ouer the said ground, so next adioyning to that ground, vpon paine of forfeiture for euery time so offending, for euery Rodde not so ditched or scowzed, twelue pence.

No person or persons hauing any ground by lease or otherwise, adioyning to any highway, or common fairing way leading to any market towne, shall cast or scowze any ditch, and throw, or lay the soile thereof into the highway, and suffer it to lie there by the space of sixe months, to the annoyauce of the said highway, or common fairing way, vpon paine of forfeiture for euery load of soile, so cast into the highway, or common fairing way, in ditching or scowzing, twelue pence. And where any heretofore haue bin so cast into the highway, or common fairing way, & there is a bank betwē the said way and the ditch, it shall be lawfull for the surueysors and workmen, by the lawes and statutes

statutes of this Realme, appointed for the amendment of the said waies, to make sluices, or other deuices by their discretions, to conuey the water out of the said way into the ditch: any law, right, interest, custom, or vantage to the contrary notwithstanding. Euery penaltie, sum or summes of money forfeited for any cause within the statute, shall be leuied in euery parish by the Surueyors of the waies within that parish for the time being, by distresse and sale of distresse, in manner and forme as fines or amerciements in Leers haue bene vsed, and the money so leuied to be employed vpon the highway or common fairing way, where the offence was committed. And if the Surueyors shall not or will not leuie and employ the same within one yeare after the offence so committed, that then the said summe or summes, forfeiture or forfeitures, shall be leuied in forme aforesaid, by the Constables or Churchwardens of the Towne or Parish where the worke ought to be done in the highway (as is aforesaid) and that he or they so leuying any of the said penalties or forfeitures, shall make and yeld such account as is appointed in the beforesaid statutes, or either of them.

Sur caldith
waies.

In the Wealde of Kent, Suffex, & Surrey, the Surueyors within the Parishes
where

39. Elca. 19

for amending of Highwayes. **¶**

where the Highwayes shall be most annoyed, shall (in default of appointment by the Iustices of P.) assigne and appoint in what places of the Highwayes there, the finder, grauell, stone, or chalke (to be carried by the occupiers of iron workes) shall be laied and bestowed: vnder the paine of xl. s. of euery such Surveyor for euery such default, & they shall make demand of the s^{or}. of money to be paid in default of such carriages: & shall present euery such default of carriage, or paiement, at the next quarter Sessions of that countie, vpon like paine of xl. s. for euery default by thē.

The Office of the distributors of the provision for the destruction of noysome Fowle and Vermine.

8.El.ca.15.
& 14.El.ca.
11. & 39.
El.cap.18.

THese Distributers being so chosen, and hauing mony (as is before shewed in the 11. article of the Churchwardens office) shall giue & pay of the same mony so to thē deliuered to euery person that shall bring to them any heads of old Crows, Choughes, Wyres or Rokes taken within the seueral parishes, for the heads of euery 3. of them s. d. and for the heads of euery vi. yong crows, choughs, Wyres or Rokes taken, as is aforesaid, a peny: & for euery six eggs of any of them vnbroken, s. d. and likewise

likewise for euery 12. Stares heads a penny. All which said heads & egges, the said Distributers in some conuenient place shal keep, & shall euery moneth at y^e least bring forth the same before y^e said Churchwardens & Paro^{ch}es, o^r th^{er} of them, and then and there to them shall make a true account in w^{ri}ting what money they haue laid forth and paid for such heads & egges and for the heads of such other rauenous birds and vermin, as are hereafter in this act mentioned: that is to say, for euery head of Herton, Hawkes, Fursekite, G^oldkit, Buzzard, Scag, Co^omozant, o^r Ringtaile, y. d. and for euery two egges of them, a penny: for euery Iron o^r Disprais heads iiij. d. for the head of euery Woodwall, Pre, Jay, Raven, o^r Kite, a penny: for the head of euery bird, which is called the Kings fisher, s. d. for the head of euery Bulfinch, o^r other bird that deuouret^h the blouth of fruit, one penny: for the heads of euery Fore, o^r Grey, 12. d. and for the head of euery Fitchew, Polrat, Weasell, Stote, Faire, Badger, o^r Wildcat, a penny: for the heads of euery Otter o^r Hedgehog, y. d. for the heads of euery th^{er} rats, o^r ry. mice, s. d. for the heads of euery G^oldwarp, o^r Want, an halfe penny: for the heads of euery which birds & vermin last mentioned, y^e last Distributers

tributers shall likewise pay and giue to the brynger of them, for euery head killed and taken within their senerall parish, as befoze is limitted, & shall keepe the same to be shewed forth vpon their account, in maner and forme as is aforesaid. Al which said heads and egges shall be forthwith after such account made in the presence of the said Churchwardens and Paroys, or of thre of them, burned, consumed, or cut in sunder.

And if vpon any account to be made in the end and determination of the office of any such Distributers, it shall appeare y any summe of money is remainging in the hands of the said Distributers, or any of them, then the same shall be by bill indented, as is aforesaid, deliuered ouer to such persons, as be or shall be elected to y same office, for the yeare next following, by the to be distributed as is aforesaid: this shall not in any wise extend, to giue any libertie or authoritie to any person or persons, to vse or exercise any meanes or engin, for the destruction of crows, or rooks, choughs, or other the vermin aforesaid in any place or places, to y disturbance, let, or destruction of the building, or breeding of any kinde of hatokes, herons, egrittes, pauers, swans, or shouelers: or to the hurt and destruction of any Doves, dove-houses,

94 The office of Distributers &c.

for, &c. or warren of conies, nor extend
to giue or appoint any summe or summes
of money to be giuen, paid, or distributed
to any person or persons for the head or
heads of any buzzard, ring-taile, herne,
polcat, kitchew, or stote, take in any park,
warren, or ground, employed to the main-
tenance of any game of conies, or to any
stares taken in done-houses, nor to the
killing or bringing the head of any kite, or
rauen, killed in any city or towne corpe-
rate, or within two miles of the same.

FINIS.

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